

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of [Form 9](#)). Prior to, and during, completion of this application form, please refer to [Resource Consent Guidance Notes](#) and [Schedule of Fees and Charges](#) — both available on the Council's web page.

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement?

Yes No

If yes, who have you spoken with?

2. Type of consent being applied for

(more than one circle can be ticked):

Land Use

Discharge

Fast Track Land Use*

Change of Consent Notice (s.221(3))

Subdivision

Extension of time (s.125)

Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)

Other (please specify)

**The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the fast track process?

Yes No

4. Consultation

Have you consulted with iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council, tehonosupport@fndc.govt.nz

8. Application site details

Location and/or property street address of the proposed activity:

Name/s:

Site address/
location:

 Postcode

Legal description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the proposal

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the *District Plan, and Guidance Notes*, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request public notification?

Yes No

11. Other consent required/being applied for under different legislation

(more than one circle can be ticked):

Building Consent

Regional Council Consent (ref # if known)

National Environmental Standard Consent

Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL)? Yes No Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result? Yes No Don't know

Subdividing land

Disturbing, removing or sampling soil

Changing the use of a piece of land

Removing or replacing a fuel storage system

13. Assessment of environmental effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as written approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application Yes

14. Draft conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? Yes No

If yes, please be advised that the timeframe will be suspended for 5 working days as per s107G of the RMA to enable consideration for the draft conditions.

15. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

Name/s: (please write in full)

Sandstone Orchards LP

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

15. Billing details continued...

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)

Adam Spiers

Signature:

(signature of bill payer)

Date 14/4/26

MANDATORY

16. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form.

You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fn/dc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

17. Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name (please write in full)

David Johnson

Signature

Date 13-Apr-2026

A signature is not required if the application is made by electronic means

See overleaf for a checklist of your information...

Checklist

Please tick if information is provided

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Subdivision Consent Application

SANDSTONE ORCHARDS LP

Srhoj Road, Waiharara, Awanui

A topographic map with contour lines and a grid, rendered in white lines on a dark background, occupies the bottom portion of the page.

**reyburn
& bryant**

PLANNERS • SURVEYORS

Subdivision Consent Application

SANDSTONE ORCHARDS LP

Srhoj Road, Waiharara, Awanui

Report prepared for:	Sandstone Orchards LP
Author	David Johnson, <i>Planner</i>
Reviewed by:	Brett Hood, <i>Planner/Director</i>
Consent Authority:	Far North District Council
Report reference:	18446
Report Status:	Final
Date:	April 2026

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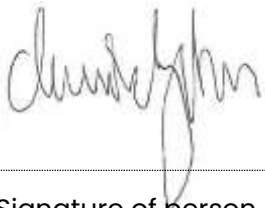
FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: Far North District Council
Memorial Avenue
Private Bag 752
Kaikohe 0440

1. **Sandstone Orchards LP** applies for subdivision consent to relocate the boundaries of four existing titles and including the transfer of land to an adjoining title. No new (additional) titles are being created.
2. The location of the proposed activity is Srhoj Road, Waiharara.
3. The respective title references and legal descriptions are:
 - NA942/150: Section 9–10, Section 31 and 34 Block IV Opoe Survey District.
 - RT 883282: Lot 2 DP 534925 and Section 27 Block IV Opoe Survey District
 - NA935/111: Section 5 and Section 32 Block IV Opoe Survey District.
 - NA1044/288: Section 39 Block IV Opoe Survey District (landlocked)
4. The applicant is the owner of the sites.
5. There are no other activities that are part of the proposal to which this application relates.
6. No additional resource consents or statutory approvals are needed for the proposal to which this application relates that have not yet been applied for as part of this application.
7. We attach an assessment of effects on the environment that:
 - (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

-
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.
8. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
9. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.
10. No other information is required to be included in the district or regional plan(s) or regulations.



Signature of person authorised to sign on behalf of applicant

David Johnson

14 April 2026

Date

Address for service:

Reyburn and Bryant 1999 Ltd
PO Box 191, Whangarei

Telephone:

(09) 438 3563

Email:

david@reyburnandbryant.co.nz

Contact person:

David Johnson

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1. Scheme plan
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ABBREVIATIONS

AEE	Assessment of Environmental Effects
FNDC	Far North District Council
FNDP	Far North District Plan
HAIL	Hazardous Activities and Industries List
NES	National Environmental Standard – Soil Contamination
OFNDP	Operative Far North District Plan
PFNDP	Proposed Far North District Plan

RMA Resource Management Act, 1991

RPZ Rural Production Zone

1. INTRODUCTION

1.1 Report basis

This report has been prepared for Sandstone Orchards LP (the applicant) in support of an application to adjust the boundaries of four existing titles at Srhoj Road, Waiharara.

The proposal comprises a boundary adjustment subdivision, including associated transfer and amalgamation arrangements. No additional titles are created.

The application has been prepared in accordance with section 88 and Schedule 4 of the Resource Management Act 1991 (RMA) and includes an assessment of environmental effects and an evaluation of the relevant statutory planning framework under section 104 of the RMA.

1.2 Background

The subject land is owned and operated by Sandstone Orchards LP as a commercial avocado orchard, supported by associated pastoral farming activities. The orchard is established across the flatter land to the north and east of Srhoj Road, with the balance of the land utilised for grazing and broader farming purposes.

The existing cadastral layout reflects historic landholdings rather than the current operational structure of the orchard and farm. As a result, the present title boundaries do not align efficiently with the way the land is used and managed on a daily basis.

The proposed subdivision has therefore been developed to rationalise the title configuration so that it aligns with the existing and ongoing operation of the orchard and farm. This includes consolidating orchard areas and aligning pastoral land accordingly, while maintaining the overall productive capacity of the landholding.

1.3 Property details

Applicant and landowner	Sandstone Orchards LP
Site location	Srhoj Road, Waiharara
Legal descriptions, title references, and areas	<ul style="list-style-type: none"> ▪ NA942/150: Section 9-10, Section 31 and 34 Block IV Opoe Survey District: 16.0402ha ▪ RT 883282: Lot 2 DP 534925 and Section 27 Block IV Opoe Survey District: 45.7581 ▪ NA935/111: Section 5 and Section 32 Block IV Opoe Survey District: 21.9238ha ▪ NA1044/288: Section 39 Block IV Opoe Survey District (landlocked): 12.1406ha
District Plan	Far North District Plan (FNDP)
Operative District Plan Zone	Rural Production Zone (RPZ)
Operative District Plan Notations	N/A
Proposed District Plan Zone	Rural Production Zone (RPZ)
Proposed District Plan Notations	River Flood Hazard Zones (10 Year and 100 Year ARI Event)

Table 1: Property details.

1.4 Proposal summary

The proposal involves the reconfiguration of four existing titles at Srhoj Road, Waiharara. No additional (new) titles are created. The subdivision scheme plan is provided in **Appendix 1**.

The subdivision has been specifically designed to rationalise the existing cadastral layout so that it better aligns with the current operational structure of the landholding, which comprises a commercial avocado orchard and associated pastoral farming activities.

The resulting allotments are as follows:

- Lot 1: 5.9085ha (rural production)
- Lot 2: 31.5800ha (horticulture)
- Lots 3 and 4 (amalgamated): 36.4125ha (horticulture)
- Lot 5: 16.0735ha (rural production)
- Lot 6 (to be amalgamated with Lot 1 DP 534925): 8.54ha (rural production)

The proposal maintains the existing pattern of rural production, with horticulture continuing on Lots 2 and 3, and pastoral farming continuing on the remaining lots. No change in land use is proposed.

The allotments are of a substantial size and are capable of accommodating building platforms, access, and on-site servicing. Detailed servicing and site suitability matters are addressed through a proposed consent notice, including geotechnical investigation, wastewater design, stormwater management (if required), and water supply provision.

Overall, the proposal represents a rationalisation of existing titles that maintains productive land use and does not introduce additional development potential or fragmentation of the land resource.

1.5 Resource consents sought

The subdivision does not fit with Rule 13.7.1 relating to boundary adjustments as some of the existing titles are becoming smaller (although this is offset by some becoming larger).¹ The subdivision is a **discretionary activity** under 13.7.2 (Table 13.7.2 - 4ha average lot size).

¹ 13.7.1(b)

1.6 Other approvals required

Cancellation of consent notice 11633096.3 registered on 883282

The consent notice currently registered on RT 883282 is to be cancelled. This consent notice will be replaced by a new proposed consent notice addressing similar matters. The terms of the new consent notice are provided in Section 3.8 of this report. New amalgamation conditions are proposed below.

Cancellation of amalgamation condition (s241(3))

It is proposed to cancel the amalgamation condition requiring Lot 2 DP 534925 and Section 27 Block IV Opoe SD (RT 883282) to be held in the same certificate of title.

Amalgamation condition (s220(1)(b)(i))

That Lot 6 hereon be transferred to the owner of Lot 1 DP 534925 and that one record of title be issued to include both parcels.

Amalgamation condition (s220(1)(b)(ii))

That Lot 3 hereon and Lot 4 hereon be held in the same certificate of title.

1.7 Relevant title memorials

The titles and associated memorials are attached in **Appendix 2**.

The titles are subject to several memorials. None of these are relevant to the subdivision except the consent notice 11633096.3 registered on RT 883282, and the Limited Access Road advisory applicable to NA942/150. The consent notice details are as follows:

Consent notice 11633096.3

The consent registered on RT 883282 relating to Lot 2 DP 534925 covers the following matters:

- 1) Stormwater attenuation required with the construction of buildings, and to be designed by a Chartered Professional Engineer.

- 2) Future wastewater systems to be designed by a Chartered Professional Engineer.
- 3) In conjunction with the construction of any dwelling, potable water supply and firefighting water supply to be provided.
- 4) Notice that the Council assumes no responsibility towards the formation and any future maintenance of the unmaintained section of legal road which provides access to Lot 2 DP 534952, and the owner or occupier of the land will not request the Council to undertake such formation or maintenance.
- 5) Notice that the land could potentially be covered by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS), and that it will be the responsibility of the lot owner to address the regulations if proposing any development on the site.

1.8 Processing requests

Prior to the issue of any decision for this consent, please forward the draft conditions for our review and comment.

2. THE SITES AND SURROUNDING ENVIRONMENT

2.1 Site description

Location

The four titles that make up the subject site are located at Srhoj Road in Waiharara. Two of the titles also have frontage to State Highway 1 (SH1).

The sites are shown in **Figure 1** below.

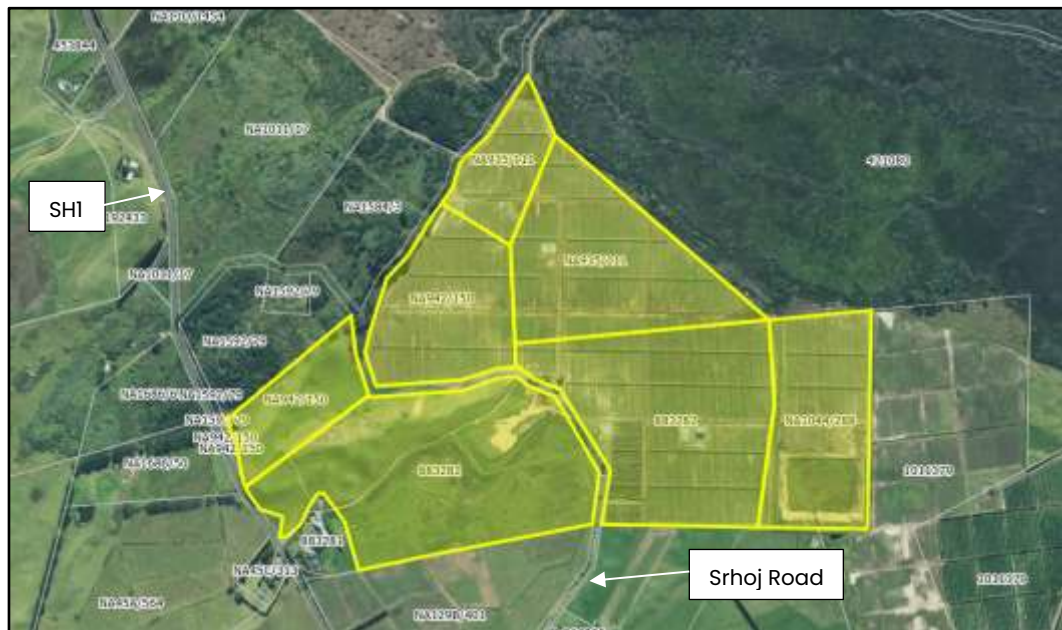


Figure 1: Location map (Source: Grip).

Land use

The 95.8627ha subject land is owned by Sandstone Orchards Limited and is utilised for rural production purposes (horticulture and pastoral farming). The land to the north and east of Srhoj Road comprises an established avocado orchard (approximately 65.7ha), while the land to the south and west is in pasture and actively farmed.

Several orchard buildings are located on the site. There are no dwellings on any of the titles.

Access

All four titles are currently accessed from Srhoj Road, which has a metalled formation extending from State Highway 1 (SH1) (see photographs in **Figures 2** and **3** below).



Figure 2: SH1/Srhoj Road intersection



Figure 3: Srhoj Road formation

The initial 260m of Srhoj Road is maintained by the FNDC. From this point, the road is not maintained by the FNDC and the four titles rely on a metalled

formation within the paper road, noting that NA1044/288 is currently landlocked.²
The end of Council maintenance point is shown on **Figures 4** and **5** below.

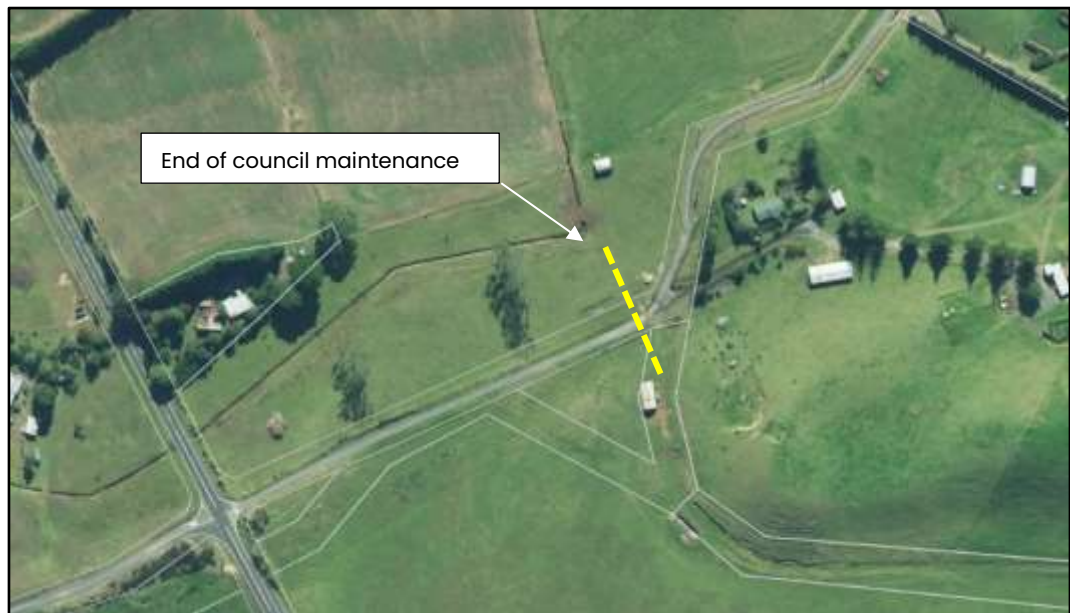


Figure 4: Srhoj Road end of council maintenance



Figure 5: Srhoj Road end of council maintenance

² No road frontage, and no appurtenant right of way (no legal access).

The existing Covich title (Lot 1 DP 534925) (which will be amalgamated with proposed Lot 6) contains a dwelling that will continue to be accessed directly via SH1.



Figure 6: Access to Covich title from SH1

Built development

There are several farm sheds located on RT 883282. There are no residential units on any of the four titles.

Topography

The land between SH1 and Srhoj Road is characterised by three north-east – south-west orientated ridgelines (see **Figure 7** below). This land is in pasture.



Figure 7: Ridgelines

The remainder of the land on the eastern side of Srhoj Road is predominantly flat. This land is a developed avocado orchard.

Watercourses

There is a myriad of drains located within the orchard on the eastern side of Srhoj Road. This includes the Okohine Stream which runs across the property from west to east and then south at the boundary of RT 883282 and NA1044/288.

Flood hazard areas

There are 10-year and 100-year Flood Hazard Areas located on parts of the land (see **Figure 8** below).



Figure 8: Flood Hazard Areas

Archaeological sites

There are no recorded archaeological sites on the property (see **Figure 9** below).



Figure 9: Archaeological sites (Source: New Zealand Archaeological Association).

Soil composition

The soils on the eastern side of Srhoj Road (occupied by the orchard) are predominantly Class 4, with a small portion of Class 7 soil in the northern corner.

The land between SH1 and Srhoj Road is a combination of Class 3 and Class 4.

Class 3 soils are considered highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL).³

Figure 10 below shows the extent of the highly productive land.⁴ For clarity, there is 1ha of Class 3 soil in NA942/150, 11ha in RT 883282, and 1ha in 883281 (owned by GT and MN Covich).

³ Manaaki Whenua Landcare Research

⁴ The highly productive land is shown in dark green. The light green land is not highly productive land.



Figure 10: Land use capability (Source: Manaaki Whenua Landcare Research).

2.2 Surrounding environment

The surrounding environment is a combination of farmland to the west and south, and orchards to the north and east, together with intermittent lifestyle subdivision. This is evident on the aerial image in **Figure 11** below.



Figure 11: Surrounding land use

3. THE PROPOSAL

3.1 General

The proposal is to relocate the boundaries of four existing titles, and to transfer land to an adjoining title. No new (additional) titles are being created.

The proposed new titles, their respective areas, and intended uses are as follows:

- Lot 1: 5.9085ha (to continue to be used for rural production purposes)
- Lot 2: 31.5800ha (to continue to be used for horticultural purposes)
- Lots 3 and 4 (amalgamated): 36.4125ha⁵ (to continue to be used for horticultural purposes)
- Lot 5: 16.0735ha (to continue to be used for rural production purposes)
- Lot 6 amalgamated with Lot 1 DP 534925: 8.54ha⁶ (to continue to be used for rural production purposes)

The subdivision has been specifically designed to align the cadastral layout with existing land use patterns, while retaining the productive capacity of the land.

The resulting titles will continue to support rural production activities, including horticulture and pastoral farming.

3.2 Site suitability

The proposed subdivision results in titles that are suitable for their intended rural production and rural-residential uses.

The proposal involves the reconfiguration of four existing titles within an established rural production unit. It does not introduce additional allotments or

⁵ (34.1395ha (Lot 3) + 2.2730ha (lot 4))

⁶ (6.4310ha (Lot 6) + 2.1110ha (Lot 1 DP 534925))

a new pattern of development. Rather, it rationalises the existing cadastral layout so that it better reflects the current and intended use of the land.

The resulting lots are of a substantial size, ranging from approximately 5.9ha to over 36ha. These lot sizes are consistent with the RPZ and provide a high degree of flexibility for land use and development. Each allotment contains sufficient area to accommodate building platforms, access, manoeuvring, water supply, wastewater disposal (including reserve areas), and stormwater management, without constraint.

The physical characteristics of the land support its suitability. The orchard land to the north and east of Srhoj Road is predominantly flat and well developed for horticulture, while the land to the south and west comprises gently undulating pastoral terrain. These landforms provide multiple opportunities for the establishment of suitable building platforms and associated infrastructure across each allotment.

While parts of the wider landholding are subject to flood hazard mapping (10-year and 100-year ARI events), these areas do not constrain the overall suitability of the proposed lots. Each allotment contains sufficient land area to accommodate building platforms and associated infrastructure outside identified hazard-prone areas.

The scale and configuration of the proposed lots enables on-site servicing to be achieved without constraint, including wastewater disposal, stormwater management, and water supply. These are standard rural servicing solutions that are appropriately addressed at the time of building consent.

A consent notice is proposed requiring site-specific geotechnical investigation and foundation design at the time of building consent for any habitable building. This approach is appropriate on reconfigured lots of this size, as it ensures that site suitability is confirmed based on the specific location and design of future development, rather than at a conceptual subdivision stage.

On that basis, the proposed allotments are suitable for their intended use.

3.3 Access

The proposal involves the reconfiguration of existing titles, all of which gain access from an unformed paper road (noting that NA1044/288 is currently landlocked).

Access to the proposed lots will continue to be obtained via the existing formed carriageway within the legal road. While part of this road is not maintained by Council, this is an established rural access arrangement that is not altered by the proposal.

A consent notice is proposed to ensure that future owners are aware that Council assumes no responsibility for the formation or maintenance of this section of road (similar to the existing consent notice on RT 883282). This appropriately manages expectations and reflects the existing access environment.

The proposal does not introduce any additional demand on the road and therefore does not give rise to any adverse access effects.

3.4 Wastewater

Future dwellings on the proposed lots will rely on on-site effluent disposal systems. The requirement for specific investigation at the building consent stage is included in the proposed consent notice detailed in Section 3.8 of this report.

3.5 Stormwater

Given the size of the proposed lots, it is highly unlikely that the proportion of the gross site area covered by buildings and other impermeable surfaces will exceed 15%. Therefore, it is expected that stormwater management will be a permitted activity in accordance with Section 8.6.5.1.3 of the Operative FNDP.

In the unlikely event that the 15% impermeable surface is exceeded, attenuation will be required. This is covered in the proposed consent notice detailed in Section 3.8 of this report.

3.6 Water supply

Future dwellings on the proposed lots will rely on roof rainwater collection and supply systems.

3.7 Electricity and telecommunications

The orchard has an existing electricity supply which will be retained for proposed lot 3. None of the other titles have existing electricity connections. No power encumbrances are proposed to formalise this existing situation.

3.8 Proposed consent notice

The proposed wording for the consent notice to be registered on the proposed lots is as follows:

- a. At the time of building consent for any habitable building, the owner must provide a geotechnical report and specific foundation design prepared by a Chartered Professional Engineer (CPEng) with relevant geotechnical/structural competence. The report must:
 - Confirm the site investigation undertaken;
 - Specify the foundation system and bearing requirements for the proposed building/platform; and
 - Set out the construction monitoring to be undertaken. Evidence of completion of monitoring (e.g., PS4) must be supplied to Council on request.
- b. In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for firefighting purposes is to be provided by way of a tank or other approved means and to be positioned so that it is safely accessible for this purpose.

These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.

- c. In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system, the applicant shall submit for Council approval a report prepared by a Chartered Professional Engineer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.
- d. In conjunction with the construction of any building, if the proposed impervious coverage exceeds 15% of the net site area then site specific attenuation design is required.
- e. The Council assumes no responsibility towards the formation and any future maintenance of the unmaintained section of legal road which provides access to the proposed lots. The owner or occupier of the land will not request the Council to undertake such formation or maintenance.

Lots 2 and 3 only

- f. Land within these lots has been identified as land that will potentially be covered by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS). As it was production land at the time of subdivision, and the subdivision did not remove the land from being production land, the developer did not address the regulations at the time of subdivision. It will be the responsibility of the lot owner to address the regulations if proposing any development on the site.

4. ASSESSMENT OF ENVIRONMENTAL EFFECTS

4.1 Existing environment

Section 104(1)(a) of the RMA requires a consideration of the actual and potential effects of allowing the proposed activity on the environment.

The site is a large rural landholding of approximately 95.8627ha held in four titles of varying sizes and presently used for productive rural purposes. Specifically, the land to the north and east of Srhoj Road is an established avocado orchard, covering approximately 65.7195ha, while the land to the south and west is in pasture and is being farmed. There are several orchard buildings on the site, but no dwellings on any of the four titles. The surrounding environment is characteristically rural, comprising farmland, orchards, drainage infrastructure, and intermittent rural-residential development.

The land between SH1 and Srhoj Road is more undulating, with a series of ridgelines and pastoral cover, whereas the orchard land on the eastern side of Srhoj Road is predominantly flat. Parts of the land are traversed by drains and watercourses, including the Okohine Stream, and parts of the wider site are subject to 10-year and 100-year flood hazard mapping. While parts of the wider landholding are subject to flood hazard mapping, these areas do not constrain the overall suitability of the proposed lots. The proposal does not rely on development within hazard-prone areas, and any future development can be appropriately managed through building consent processes and consent notice requirements.

The soil resource is likewise part of the existing environment. The orchard land is predominantly Class 4 soil, with some Class 7 land, while land between SH1 and Srhoj Road includes Class 3 and Class 4 soils. The report identifies areas of Class 3 soil as highly productive land for the purposes of the NPS-HPL. Importantly, however, the subject land is already in productive use, and the proposal retains that productive use across the reconfigured lots. Proposed Lots 2 and 3 will continue to be used for horticulture, while proposed Lots 1, 4, 5 and 6 will continue

in pastoral and broader rural production use. The existing productive character of the land is therefore maintained (no new boundaries are proposed through Class 3 land)

In addition, the existing HAIL activity on the land (avocado orchard) is part of the existing environment. The proposal recognises that circumstance and addresses it through an appropriately targeted consent notice on Lots 2 and 3.

4.2 Permitted baseline

Section 104(2) of the RMA allows a consent authority to disregard an adverse effect of an activity on the environment if a plan permits an activity with that effect (permitted baseline).

The permitted baseline for the existing titles (pre-subdivision) is set out in the following table:

Table 2. Permitted baseline for the existing titles.

Existing title	Permitted baseline
NA942/150	Building coverage: 12.5% (2ha) Persons engaged in farming / forestry activities: 8 Residential units: 1
RT 883282	Building coverage: 12.5% (5.72ha) Persons engaged in farming / forestry activities: 8 Residential units: 2
NA935/111	Building coverage: 12.5% (2.74ha) Persons engaged in farming / forestry activities: 8 Residential units: 1
NA/1044/288	Building coverage: 12.5% (1.51ha)

	<p>Persons engaged in farming / forestry activities: 8</p> <p>Residential units: 1</p>
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In this case, the permitted baseline is relevant because each of the existing titles already has the capacity to accommodate rural production activities and a degree of building development, including residential development, as anticipated by the Operative Far North District Plan. The report identifies that the existing titles have substantial permitted building coverage allowances and capacity for one or more residential units, depending on the title.

The proposal aligns with this baseline. It does not introduce additional titles or development potential beyond that already anticipated by the District Plan. Rather, it redistributes land between existing titles in a manner that better reflects current land use, without increasing the scale or intensity of development.

4.3 Effects on rural character and amenity

The proposal will not give rise to more than minor adverse effects on rural character or amenity. This is primarily because the proposal does not create any additional titles.

While the cadastral pattern will change, the broader rural landscape will remain recognisably the same. Specifically, there will continue to be large rural titles in productive use, with orchard land on the flatter eastern side of Srhoj Road and pasture on the more undulating land to the west and south.

The proposed lots themselves are also of a size and configuration consistent with an ongoing rural environment. The lots remain capable of accommodating rural use while maintaining generous setbacks, separation, and open space.

The proposal will not materially alter the visual character, openness, or amenity of the locality. The land will remain in productive use, the allotments are of a rural scale, and future development is able to be appropriately managed through

existing regulatory and consent notice mechanisms. Effects on rural character and amenity are therefore less than minor.

4.4 Rural production effects

The proposal will not result in more than minor adverse effects on rural production and, in practical terms, supports the continuation and efficient management of existing productive activities.

The subject land is currently used for a combination of horticulture (avocado orchard) and pastoral farming. The proposal has been deliberately designed to retain and reflect these existing production patterns. Proposed Lots 2 and 3 will continue in horticultural use, while Lots 1, 4, 5 and 6 will remain available for pastoral and broader rural production activities.

A key feature of the proposal is that no additional titles are created. This is significant in the rural production context. Unlike a typical subdivision that introduces further fragmentation of the rural land resource, this proposal simply reconfigures existing titles to better align with land use. As a result, there is no increase in the number of land parcels, no intensification of land use expectations, and no corresponding increase in reverse sensitivity risk.

The size and configuration of the proposed lots also support ongoing rural production. Lots 2 and 3 remain large-scale horticultural titles, while Lots 1, 5 and 6 are of sufficient size to accommodate continued pastoral use. The proposal therefore maintains the functional utility of the land for productive purposes over the long term.

Importantly, in relation to highly productive land, the proposal has been designed to avoid the fragmentation of Class 3 soils. No new internal boundaries are introduced through areas of Class 3 land. Instead, those areas remain intact within larger allotments. This is a critical distinction. While the cadastral layout is altered, the underlying productive land resource, particularly the highly productive component, remains unchanged.

In practical terms, this means that the physical integrity of the highly productive land is maintained, the ability to utilise that land for horticulture or other land-based production is not diminished, and the proposal avoids the creation of smaller, fragmented parcels that could compromise long-term productive capacity.

When coupled with the fact that the land remains in ongoing production (horticultural and pastoral), the proposal represents a continuation of the existing productive use of the land rather than a departure from it.

Accordingly, the proposal does not reduce the productive capacity of the site, does not introduce fragmentation of highly productive soils, and does not give rise to reverse sensitivity effects. The adverse effects on rural production are therefore less than minor.

4.5 Access effects

The proposal will not result in more than minor adverse access or traffic effects.

All four titles are presently accessed from Srhoj Road. The road has a metalled formation extending from SH1, with the initial section maintained by Council and the balance relying on the existing paper road formation. The proposal does not alter that basic access arrangement. The reconfigured lots will continue to gain access via the same route. In that sense, the proposal largely perpetuates the status quo rather than creating a new transport outcome.

The only materially notable access issue in the existing environment is that NA1044/288 is currently landlocked. The proposal improves that circumstance by reconfiguring landholding arrangements. This is an environmental benefit when compared with the current position. More generally, because no additional titles are being created, the proposal will not generate subdivision related traffic growth of the kind typically associated with new rural allotments. Any future traffic generation remains commensurate with the scale of rural production and rural living already contemplated on the existing titles and the permitted baseline.

The reliance on an unmaintained section of legal road is an existing situation that is not altered by the proposal. The proposed consent notice ensures that future owners are aware of this arrangement and that Council has no obligation to form or maintain the road.

Overall, the proposal does not increase traffic demand or alter the functioning of the transport network. Access effects are therefore less than minor.

4.6 Servicing arrangements

The proposed lots are of sufficient size and configuration to be serviced for their intended rural uses. Detailed design matters can be appropriately addressed at the time of building consent.

The subdivision involves the reconfiguration of existing titles within a rural production environment and does not create additional allotments. The proposed lots are all of a substantial size, ranging from approximately 5.9ha to over 36ha. These generous lot sizes provide ample area to accommodate building platforms, access, manoeuvring, water supply, wastewater disposal systems (including reserve areas), and stormwater management, without constraint.

Geotechnical and site suitability

The proposed lots contain sufficient land area and physical flexibility to accommodate suitable building platforms. The topography comprises a mix of flat orchard land and gently undulating and elevated pastoral land, with no identified geotechnical features that would preclude development.

Site-specific geotechnical investigation and foundation design will be undertaken at the time of building consent for any future habitable building. This is secured by way of a consent notice requiring a geotechnical report and specific foundation design prepared by a Chartered Professional Engineer, including confirmation of site investigations and foundation requirements. This approach ensures that site suitability is appropriately addressed at the stage when building location and design are known.

Wastewater disposal

Wastewater disposal for any future dwellings will be provided by on-site treatment and disposal systems. The size of the proposed lots enables wastewater systems, including primary and reserve disposal areas, to be fully contained within each lot boundary.

A consent notice will require that, at the time of building consent, a report is prepared by a suitably qualified practitioner to identify an appropriate wastewater treatment and disposal system, including a 100% reserve disposal area. The report must demonstrate compliance with the relevant permitted activity standards of the Regional Water and Soil Plan. This ensures that wastewater servicing is both feasible and appropriately designed for site-specific conditions.

Stormwater management

Given the size of the proposed lots, the extent of impervious surfaces associated with future development is expected to remain well below 15% of net site area. As such, stormwater management is anticipated to comply with permitted activity standards.

In the event that impervious coverage exceeds this threshold, the proposed consent notice requires site-specific stormwater attenuation design. This provides an appropriate mechanism to ensure that any potential stormwater effects are managed at the time of development.

Water supply

Water supply for future dwellings will be provided by roof rainwater collection systems. The scale of the lots allows for sufficient water storage to meet both domestic and firefighting requirements.

A consent notice will require that, in conjunction with any dwelling construction, a potable water supply and firefighting water supply is provided in accordance with the New Zealand Fire Fighting Water Supply Code of Practice (SNZ PAS 4509). This ensures that water supply is both adequate and fit for purpose.

Electricity and telecommunications

Electricity and telecommunications can be readily provided to the proposed lots. The lots have frontage to a legal road and/or are able to be accessed via established routes, enabling conventional servicing connections if required.

Conclusion on servicing

Overall, the proposed lots are capable of accommodating on-site servicing without constraint. The proposed consent notice ensures that site-specific design is undertaken at the appropriate stage.

Accordingly, no adverse servicing effects arise.

4.7 Contaminated soils

The proposal will not result in any adverse effects in relation to contaminated land.

The existing orchard on proposed lots 2 and 3 is an activity listed on the Hazardous Activities and Industries List (HAIL). This reflects the established horticultural use of the land and forms part of the existing environment.

The proposal does not involve a change in rural land use. The existing horticultural and pastoral activities will continue unchanged following the reconfiguration of the titles. Specifically, Lots 2 and 3 will remain in horticultural production, and Lots 1, 4, 5 and 6 will remain in pastoral and rural production use.

Accordingly, the subdivision does not trigger the application of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS). In particular, Regulation 5(8)(c) applies, as the subdivision will not cause the land to stop being production land.

In practical terms, the proposal does not introduce any new exposure pathways or increase the risk to human health. The existing land uses will remain in place.

For completeness, a consent notice is proposed to be registered on Lots 2 and 3 advising that:

- The land has been identified as potentially subject to the NES-CS;
- The subdivision has been undertaken on the basis that the land remains production land; and
- Any future change in land use or development will need to address the requirements of the NES-CS at that time.

This approach is appropriate and ensures that future landowners are fully informed of their obligations, while recognising that no consent or further assessment is required at the subdivision stage.

Overall, the proposal does not give rise to any adverse effects in relation to contaminated land, and no further assessment or mitigation is required.

4.8 Natural hazards

The proposal will not result in more than minor adverse effects in relation to natural hazards.

Parts of the subject land are identified as being subject to flood hazard mapping, including 10-year and 100-year Annual Recurrence Interval (ARI) flood extents associated with the Okohine Stream and the wider drainage network. These mapped hazard areas are primarily located within the lower-lying portions of the site, particularly within the orchard land on the eastern side of Srhoj Road.

The presence of these mapped flood hazards forms part of the existing environment and is not altered by the proposal. The subdivision does not introduce additional allotments or intensify development potential across the site. Rather, it reconfigures existing titles, with each allotment retaining sufficient area to accommodate development outside of identified hazard-prone areas.

The proposed lots are of a substantial size, ranging from approximately 5.9ha to over 36ha. These large allotments provide flexibility in the location of future building platforms, accessways, and servicing infrastructure. In practical terms, this enables development to be located in areas of lower hazard risk without the need for significant earthworks or hazard mitigation measures.

The proposal does not rely on development within flood hazard areas, nor does it create pressure for development in such locations. Any future development will be subject to the relevant provisions of the District Plan and building consent requirements, which provide an additional layer of control to ensure that building platforms and infrastructure are appropriately located and designed having regard to natural hazard risk.

Importantly, the subdivision does not alter the underlying hydrological characteristics of the site. There are no earthworks, or changes to drainage patterns proposed as part of this application. As such, the proposal will not increase flood risk on the site or elsewhere.

Overall, the proposal represents a low-risk outcome in relation to natural hazards. The existing hazard environment is unchanged, the large lot sizes enable avoidance of hazard prone areas, and any future development will be subject to detailed assessment at the time of building consent.

Accordingly, the adverse effects associated with natural hazards are no more than minor.

4.9 Adverse effects conclusion

The proposal involves the reconfiguration of four existing titles within an established rural production unit and does not create any additional allotments.

The assessment above demonstrates that:

- Rural character and amenity are maintained;
- Rural production is retained, with no fragmentation of highly productive land;
- Access arrangements remain unchanged and appropriate; and
- The lots are capable of being serviced on-site.

Given the circumstances, any site-specific constraints, including geotechnical matters, wastewater disposal, stormwater management, and water supply, are appropriately addressed through the proposed consent notice and building consent processes.

Overall, the proposal will result in no more than minor adverse effects on the environment.

5. PLANNING ASSESSMENT

5.1 Relevant planning documents

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering all applications for resource consent.

Given the hierarchical nature of planning documents under the RMA, and the requirement for lower order documents to “give effect to” higher order documents, the relevant documents that require assessment under s104(1) of the RMA are the Operative and Proposed FNDP, the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS), the NPS-HPL, and the National Policy Statement for Natural Hazards (NPS-NH).

5.2 Operative Far North District Plan

Chapter 8 – Rural Environment

The subject land is located within the Rural Production Zone (RPZ). The objectives and policies of Chapter 8 seek to enable rural production activities while ensuring the sustainable management of natural and physical resources, maintaining rural character and amenity, and avoiding land use conflict.⁷

The proposal is consistent with this policy framework for the following reasons.

Enabling rural production and safeguarding soil resources

A key focus of Chapter 8 is to enable rural production while ensuring that the life-supporting capacity of soils is not compromised.⁸

The subject land is an established rural production unit operated as a commercial avocado orchard with associated pastoral farming. As set out in

⁷ Objectives 8.3.1, 8.3.6, 8.3.7, 8.3.9, 8.3.10; Policies 8.4.1, 8.4.2, 8.4.5, 8.4.7, 8.4.8

⁸ Objectives 8.3.2 and 8.3.9; Policy 8.4.2

Sections 2 and 3 of this report, the proposal has been specifically designed to align the cadastral layout with these existing land use patterns. Specifically, the subdivision retains horticultural use on Lots 2 and 3, retains pastoral and rural production use on Lots 1, 4, 5 and 6, and does not introduce any additional allotments. As a result, the proposal does not reduce the availability of land for rural production or introduce land uses that would compromise soil resources.

Importantly, areas of Class 3 soil (highly productive land) are not fragmented by the proposed boundary adjustments (refer Section 4.4). These areas remain intact within larger allotments capable of ongoing productive use.

Accordingly, the proposal is consistent with Objectives 8.3.2 and 8.3.9 and gives effect to Policy 8.4.2 by safeguarding the life-supporting capacity of soils while enabling continued rural production.

Sustainable management of natural and physical resources

Objective 8.3.1 and Policy 8.4.1 promote the sustainable management of natural and physical resources within the rural environment.

The proposal represents a rationalisation of existing titles to better reflect the operational structure of the orchard and farm. This results in a more efficient and coherent landholding pattern without increasing development intensity or introducing incompatible land uses. The subdivision maintains the existing pattern of land use, avoids unnecessary fragmentation of productive land, and supports ongoing efficient management of the orchard and pastoral areas.

In this respect, the proposal facilitates the sustainable use of the land resource and is consistent with Objective 8.3.1 and Policy 8.4.1.

Avoiding adverse effects and cumulative effects

Objective 8.3.3 and Policies 8.4.2 and 8.4.8 require that adverse and cumulative effects of activities in the rural environment are avoided, remedied or mitigated.

As demonstrated in Section 4, the proposal will result in no more than minor adverse effects across all relevant domains, including rural character, rural production, access, servicing, natural hazards, and contaminated land.

Key considerations include:

- No additional allotments are created;
- No intensification of land use occurs;
- The existing environment is largely unchanged; and
- Servicing and development can be appropriately managed at the building consent stage.

The proposal does not give rise to cumulative effects typically associated with incremental rural subdivision, such as fragmentation, reverse sensitivity, or urbanisation of the rural environment.

Accordingly, the proposal is consistent with Objective 8.3.3 and Policies 8.4.2 and 8.4.8.

Avoiding land use conflict and reverse sensitivity

Objective 8.3.6 and Policy 8.4.5 seek to avoid conflicts between land uses, including reverse sensitivity effects.

The proposal does not introduce new sensitive land uses into the rural environment. The land will remain in rural production following subdivision, with horticulture and pastoral farming continuing across all allotments (refer Sections 2 and 4.4). In addition, no additional titles are created and no new rural-residential pattern is introduced.

As a result, the proposal does not increase the potential for reverse sensitivity effects or constrain existing rural production activities.

The proposal is therefore consistent with Objective 8.3.6 and Policy 8.4.5.

Maintaining rural character and amenity

Objective 8.3.7 and Policy 8.4.4 seek to maintain and enhance the amenity values of the rural environment, consistent with the productive intent of the zone.

The proposal maintains the existing rural character of the site and surrounding environment. As described in Section 2, the locality is characterised by large rural landholdings, productive land uses, and a low level of built development.

While the cadastral pattern will change, the overall landscape will remain recognisably rural. The proposed allotments are of a substantial size, retain productive land uses, and do not introduce an urban or fragmented development pattern.

The assessment in Section 4.3 confirms that the proposal will not give rise to more than minor adverse effects on rural character and amenity.

Accordingly, the proposal is consistent with Objective 8.3.7 and Policy 8.4.4.

Infrastructure and efficient use of resources

Objective 8.3.1 and Policy 8.4.7 promote the efficient use and development of natural and physical resources, including infrastructure.

The proposed lots are capable of being serviced on-site in a manner consistent with typical rural development. As outlined in Section 4.6, the size and configuration of the allotments enable wastewater disposal, stormwater management, and water supply to be achieved within each lot.

Servicing is further addressed through the proposed consent notice, which ensures that detailed design is undertaken at the time of development.

The proposal does not create additional infrastructure demand beyond that already anticipated by the existing titles and permitted baseline.

Accordingly, the proposal is consistent with Policy 8.4.7 and supports the efficient use of resources.

Integrated management

Objective 8.3.8 encourages integrated management approaches that achieve superior outcomes. In that regard, the proposal represents an integrated and coordinated reconfiguration of the overall landholding, aligning title boundaries with existing land use patterns and operational requirements. This results in a more coherent and efficient land use outcome than the current cadastral arrangement.

In this respect, the proposal is consistent with Objective 8.3.8.

Overall consistency

When assessed as a whole, the proposal is consistent with the objectives and policies of Chapter 8.

It enables rural production (Objective 8.3.9), safeguards soil resources and productive capacity (Objective 8.3.2; Policy 8.4.2), avoids fragmentation and cumulative effects (Objective 8.3.3; Policy 8.4.8), avoids reverse sensitivity (Objective 8.3.6; Policy 8.4.5), maintains rural character and amenity (Objective 8.3.7; Policy 8.4.4), and supports the efficient and sustainable use of natural and physical resources (Objective 8.3.1; Policy 8.4.7).

The proposal is therefore not contrary to, and is consistent with, the relevant objectives and policies of the Rural Environment chapter.

Chapter 13 – Subdivision

The objectives and policies of Chapter 13 seek to ensure that subdivision is undertaken in a manner that is consistent with the purpose of the underlying zone, appropriately responds to site constraints, provides for servicing and access, and avoids, remedies or mitigates adverse effects on the environment. In the context of this application, the most relevant provisions are Objectives 13.3.1, 13.3.2, 13.3.5, 13.3.8 and 13.3.10, together with Policies 13.4.1, 13.4.2, 13.4.3, 13.4.5, 13.4.8 and 13.4.14.

Consistency with the purpose of the zone

Objective 13.3.1 requires subdivision to be undertaken in a way that is consistent with the purpose of the relevant zone and promotes the sustainable management of natural and physical resources. Policy 13.4.14 reinforces this by requiring regard to be had to the objectives and policies of the applicable environment and zone when considering the intensity, design and layout of subdivision.

The proposal is consistent with these provisions. The site is an established rural production unit used for commercial avocado growing and pastoral farming. As

described in Sections 2 and 3 of this report, the proposal is not a conventional subdivision creating additional development opportunities across the rural environment. Rather, it is a reconfiguration of four existing titles to better align the cadastral layout with the existing operational structure of the orchard and farm. No additional allotments are created. The resulting lots remain of a substantial rural scale and will continue to support horticultural and pastoral production. In that respect, the proposal remains consistent with the purpose of the RPZ and with the broader Chapter 8 policy framework discussed above.

Appropriateness of subdivision and management of adverse effects

Objective 13.3.2 requires subdivision to be appropriate and to be carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that avoids, remedies or mitigates actual or potential adverse effects arising directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards. Policy 13.4.1 similarly requires the size, dimensions and distribution of allotments to be determined having regard to the potential effects, including cumulative effects, of the use of those allotments on matters including amenity values and existing land uses. Policy 13.4.3 requires natural and other hazards to be taken into account in the design and location of subdivision.

These provisions are addressed by the design and outcome of the proposal. As set out in Sections 3 and 4 of the report, the proposal does not create any additional allotments, does not introduce a new pattern of rural-residential development, and does not change the underlying productive use of the land. The allotments remain large, functional rural lots capable of continuing horticultural and pastoral activities. This substantially limits the potential for adverse cumulative effects typically associated with rural subdivision, such as fragmentation, reverse sensitivity, or gradual urbanisation of the rural environment.

The proposal is also responsive to the physical characteristics of the site. The land to the north and east of Srhoj Road is predominantly flat and already

developed as orchard, while the land to the south and west comprises pastoral land with more undulating topography. Parts of the wider landholding are affected by mapped flood hazard areas, but the proposed allotments remain of sufficient size and flexibility to accommodate future development outside hazard-prone areas. The proposal does not rely on development within flood hazard areas, nor does it involve earthworks or other works that would create or accelerate natural hazard risk. As addressed in the natural hazards and servicing sections of the AEE, natural hazard constraints can be appropriately managed at the time of future development.

The proposal also maintains the integrity of the soil resource. The existing productive use of the land is retained, and the boundary reconfiguration does not fragment areas of Class 3 soil. Those areas remain within larger allotments capable of ongoing productive use. This supports the conclusion that the subdivision does not compromise the life-supporting capacity of soils.

Overall, the proposal is consistent with Objective 13.3.2 and Policies 13.4.1 and 13.4.3.

Access and transport

Objective 13.3.10 seeks to ensure that the design of subdivision promotes the efficient provision of infrastructure, while Policy 13.4.2 requires safe and effective vehicular and pedestrian access to new properties. Policy 13.4.5 requires access to and servicing of new allotments to be provided in a way that avoids, remedies or mitigates adverse effects on neighbouring property, public roads, and the natural and physical resources of the site caused by matters such as traffic, excavation and filling, and vegetation removal.

The proposal is generally consistent with these provisions. As described in Section 2, the titles are presently accessed from Srhoj Road, which has a metalled formation extending from SH1, with the balance relying on the existing paper road formation. Section 4.5 concludes that the proposal does not materially alter that access environment. The reconfigured lots will continue to rely on the existing access arrangement, and because no additional allotments

are created, the proposal will not generate subdivision-related traffic growth of the kind normally associated with new rural lots.

The existing landlocked nature of NA1044/288 is also improved through the proposed reconfiguration. In that respect, the proposal produces a better access outcome than presently exists. The proposed consent notice dealing with the unmaintained section of legal road is also relevant, as it ensures that future owners are aware of the status of the road and that no expectation is created that Council will assume formation or maintenance obligations.

The proposal does not require significant excavation, filling or vegetation removal to establish access. The effects assessment concludes that access effects are less than minor. Accordingly, the proposal is consistent with Policy 13.4.2 and, on balance, with Policy 13.4.5.

Water supply, stormwater and general servicing

Objective 13.3.5 requires new subdivisions to provide a reticulated water supply and/or on-site water storage and to include stormwater management sufficient to meet the needs of activities that will establish year round. Objective 13.3.8 requires subdivision to provide an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created. Policy 13.4.8 specifically requires water storage to be taken into account in the design of subdivision. Policy 13.4.5 is also relevant in requiring access and servicing to be provided in a manner that avoids, remedies or mitigates adverse effects.

The proposal is consistent with these provisions. Section 3 and Section 4.6 of this report confirm that the proposed titles are of sufficient size and configuration to accommodate on-site servicing. Future dwellings will rely on roof rainwater collection and storage, including provision for firefighting supply, which is secured through the proposed consent notice. Stormwater can be managed on-site, and given the large lot sizes, impervious coverage is expected to remain below the relevant permitted activity threshold in most cases. Where it does not, site-specific attenuation design is required by consent notice. Wastewater disposal can also be fully contained within each lot, including reserve areas, with

detailed design to be confirmed through specialist assessment at building consent stage. Electricity and telecommunications can be provided through conventional rural servicing arrangements or on-site generation solutions.

In practical terms, the proposal results in large rural allotments capable of accommodating the servicing needs of future activities without off-site effects or reliance on urban infrastructure. The servicing assessment concludes that the lots are suitable for their intended use. This is consistent with Objectives 13.3.5, 13.3.8 and 13.3.10, and with Policies 13.4.5 and 13.4.8.

Other Chapter 13 provisions

There are several other Chapter 13 provisions that are either of limited relevance or not directly engaged by this proposal. Objective 13.3.3 and Policies 13.4.6, 13.4.9 and 13.4.13 are primarily directed to coastal environment, ecological, landscape, riparian, and other section 6 outcomes. Objective 13.3.4 relates to scheduled heritage resources. Objective 13.3.7 and Policy 13.4.11 relate to Māori ancestral relationships and taonga. Objectives 13.3.6, 13.3.9 and 13.3.11, together with Policies 13.4.4, 13.4.12, 13.4.15 and 13.4.16, relate to innovative development, energy efficiency, utility service visual effects, and National Grid matters. On the information available, these provisions do not raise issues that weigh materially for or against the proposal. There are no recorded archaeological sites on the property, no identified National Grid constraints, and no indication that the subdivision requires any special response under those provisions beyond ordinary good design.

Overall conclusion on Chapter 13

When assessed as a whole, the proposal is consistent with the relevant objectives and policies of Chapter 13. It is a rationalisation of existing titles within an established rural production unit, rather than a conventional subdivision creating additional rural lots. The pattern of development remains consistent with the RPZ, the proposal does not compromise soil resources or create additional reverse sensitivity or natural hazard risk, and the lots are capable of being safely accessed and appropriately serviced. The actual and potential

adverse effects of the subdivision are appropriately addressed through the design of the proposal and the proposed consent notice framework. Accordingly, the proposal is not contrary to, and is generally consistent with, the relevant subdivision objectives and policies in Chapter 13.

Chapter 15 – Transportation

The objectives and policies of Chapter 15 seek to ensure that traffic, access, and parking effects are appropriately managed so that adverse effects on the environment are minimised and safe, efficient movement is maintained.⁹

In the context of this application, the relevant considerations relate primarily to access, traffic generation, and the safety and efficiency of the transport network.

Traffic effects and transportation outcomes

Objective 15.1.3.1 requires that the adverse effects of traffic on the natural and physical environment are minimised, while Policy 15.1.4.1 requires that traffic effects be evaluated when considering resource consent applications.

The proposal will not give rise to adverse traffic effects. As set out in Sections 3 and 4.5 of this report, the subdivision is a reconfiguration of four existing titles and does not create any additional allotments. As a result, the proposal does not generate additional traffic demand beyond that already anticipated by the existing titles and permitted baseline.

Any future traffic generation will remain consistent with the established rural production use of the land and will be of a scale typical for the RPZ. The effects assessment confirms that access and traffic effects are less than minor.

Accordingly, the proposal is consistent with Objective 15.1.3.1 and Policy 15.1.4.1.

Access design and safety

Objectives 15.1.3.4 and 15.1.3.5 seek to ensure that appropriate provision is made for access and that the safe and efficient movement of traffic is maintained.

⁹ Objectives 15.1.3.1, 15.1.3.4 and 15.1.3.5; Policies 15.1.4.1 and 15.1.4.6

Policy 15.1.4.6 requires that the number, size, gradient and placement of vehicle access points be managed to assist traffic safety.

The proposal is consistent with these provisions.

As described in Section 2, the existing titles are accessed via Srhoj Road, which connects to SH1 and includes a metalled formation for access. The proposal does not introduce new access points or alter the existing access arrangement. The reconfigured allotments will continue to utilise the established access route.

Because no additional allotments are created there is no increase in the number of access points, no intensification of traffic movements occurs, and no change to the functioning of the surrounding road network arises.

The existing landlocked status of NA1044/288 is rectified through the reconfiguration of landholdings, resulting in a more coherent and functional access arrangement overall.

The proposal therefore maintains the safe and efficient operation of the transport network and is consistent with Objectives 15.1.3.4 and 15.1.3.5 and Policy 15.1.4.6.

Parking, loading and alternative transport

Objectives 15.1.3.2 and 15.1.3.3, and Policies 15.1.4.2 to 15.1.4.5 and 15.1.4.7 to 15.1.4.8, relate primarily to parking provision, loading, and pedestrian and cycle considerations.

These provisions are of limited relevance to the proposal. The subdivision does not involve the establishment of new commercial, industrial, or tourist activities, nor does it create additional allotments that would generate new parking demand. Any future development on the lots will be required to comply with the relevant parking and access standards of the District Plan at the time of building consent.

Given the rural context, pedestrian and cycle movements are minimal and are not materially affected by the proposal.

Overall conclusion on Chapter 15

The proposal does not introduce additional traffic demand, does not alter the existing access arrangements, and does not compromise the safety or efficiency of the transport network.

Accordingly, the proposal is consistent with the relevant objectives and policies of Chapter 15 relating to traffic, access, and transportation effects.

5.3 Proposed Far North District Plan

Context

The PFNDP was publicly notified on 27 July 2022. Submissions and further submissions have been received, and the hearings have concluded. However, the Commissioners are yet to make their recommendations, and the Council is yet to issue their decision. In accordance with s86B(3) of the RMA, the rules that would ordinarily apply to this proposal do not currently have legal effect. Nevertheless, an assessment to determine the activity status that this proposal would have under the PFNDP provisions has been made in Section 1.5 of this report. While the majority of the rules do not have legal effect, the objectives and policies are a relevant consideration under s104(1)(b)(vi) of the RMA.

Weighting

With regards to weighting, the Commissioners are yet to make their recommendations. Those recommendations will then still be subject to the Council decision and the appeal process. Little weight should therefore be applied to the PFNDP when considering the application. Nonetheless, an assessment of the objectives and policies is provided below for completeness.

Subdivision chapter (SUB)

The subdivision provisions seek to ensure that subdivision results in efficient land use, protects productive land and environmental values, avoids reverse sensitivity and natural hazard risk, and provides for appropriate infrastructure and access.

The proposal is consistent with these provisions for the following reasons.

Efficient land use and zone outcomes¹⁰

The proposal results in an efficient use of land that aligns with the purpose of the RPZ.

As outlined in Sections 2–4, the subdivision is a reconfiguration of four existing titles that aligns cadastral boundaries with existing horticultural and pastoral land use, does not create additional titles, and maintains the existing pattern of rural production.

The resulting allotments are of a scale and configuration consistent with the zone and are capable of accommodating building platforms, access and on-site servicing.

The proposal also avoids reverse sensitivity effects and does not introduce land use patterns that would undermine the objectives of the zone (refer Sections 4.3 and 4.4 of this report).

Accordingly, the proposal is consistent with SUB-O1 and SUB-P3, and addresses the matters in SUB-P11.

Protection of highly productive land and environmental values¹¹

The proposal maintains the productive capacity of the land and does not result in the loss or degradation of highly productive land.

As set out in Section 4.4 of this report, existing horticultural and pastoral land uses are retained, and areas of Class 3 soil are not fragmented and remain within larger titles.

No significant natural features, landscapes, heritage resources, or identified ecological values are adversely affected by the subdivision (refer Section 2).

The proposal therefore gives effect to SUB-O2 and is consistent with SUB-P4.

¹⁰ SUB-O1; SUB-P3, SUB-P11

¹¹ SUB-O2; SUB-P4

Infrastructure and servicing¹²

The provisions require that subdivision is appropriately serviced and integrated with infrastructure.

As outlined in Sections 3 and 4.6 of this report, the proposed lots are capable of being serviced on-site, wastewater, stormwater and water supply can be accommodated within each allotment, and servicing is secured through the proposed consent notice.

There is no reliance on new reticulated infrastructure, and no increase in demand beyond what is already anticipated by the existing titles.

Accordingly, the proposal is consistent with SUB-O3 and SUB-P6.

Access and integration¹³

The proposal maintains existing access arrangements and does not introduce additional access points or traffic demand.

As outlined in Sections 2 and 4.5 of this, all lots continue to be accessed via Srhoj Road, no additional allotments are created, and the reconfiguration improves the existing landlocked situation.

The proposal is therefore accessible and integrated with the surrounding environment and is consistent with SUB-O4 and SUB-P3.

In addition, the proposal aligns with the intent of SUB-P1, in that it does not increase the number of certificates of title, and does not alter the number or location of access points.

Avoidance of rural lifestyle subdivision¹⁴

The provisions seek to avoid rural lifestyle subdivision in the RPZ.

¹² SUB-O3; SUB-P6, SUB-P11

¹³ SUB-O4; SUB-P1, SUB-P3, SUB-P11

¹⁴ SUB-P8, SUB-P9

The proposal does not provide for new rural lifestyle subdivision. It does not create additional allotments or introduce a pattern of residential development. Instead, it retains large rural allotments for productive use.

These provisions are therefore satisfied.

Natural hazards and environmental effects¹⁵

The proposal does not increase natural hazard risk or give rise to adverse environmental effects.

As addressed in Sections 3 and 4, development can occur outside identified flood hazard areas, no earthworks or changes to drainage are proposed, and adverse effects are no more than minor.

The proposal therefore meets the natural hazard and effects management expectations of the subdivision provisions.

Overall conclusion

The proposal represents an efficient and appropriate reconfiguration of existing titles that maintains productive land use and avoids fragmentation, protects highly productive land, avoids reverse sensitivity and natural hazard risk, provides for appropriate servicing, and maintains access and integration with the surrounding environment.

Accordingly, the proposal is consistent with the relevant subdivision objectives and policies.

Rural Production Zone Chapter (RPROZ)

The subject land is zoned RPZ under the Proposed Far North District Plan. The relevant objectives and policies seek to ensure that land remains available for primary production, that subdivision does not compromise productive capacity

¹⁵ SUB-O1, SUB-O2; SUB-P4, SUB-P11

(particularly highly productive land), and that rural character, amenity, and infrastructure outcomes are maintained.

The proposal is consistent with these provisions for the following reasons.

Enabling primary production and protecting productive capacity¹⁶

The site is an established rural production unit comprising a commercial avocado orchard and pastoral farming activities. As outlined in Sections 2 and 3 of this report, the proposal has been specifically designed to align title boundaries with these existing land uses.

The subdivision retains horticultural production on Lots 2 and 3, retains pastoral production on Lots 1, 4, 5 and 6, and does not create any additional allotments.

As a result, the land remains available for primary production and continues to be used for that purpose. There is no introduction of non-rural activities that would displace or compete with productive land use.

Importantly, the proposal does not result in the loss or sterilisation of highly productive land. Areas of Class 3 soil are not fragmented and remain within larger allotments capable of ongoing productive use (refer Section 4.4).

The proposal therefore gives effect to RPROZ-O1 to RPROZ-O3 and is consistent with RPROZ-P1, RPROZ-P2 and RPROZ-P5.

Avoiding fragmentation and reverse sensitivity¹⁷

A key policy direction is to avoid subdivision that fragments land or introduces reverse sensitivity effects.

The proposal is not a conventional subdivision. It is a reconfiguration of four existing titles and does not create any additional allotments.

¹⁶ RPROZ-O1, RPROZ-O2, RPROZ-O3; RPROZ-P1, RPROZ-P2, RPROZ-P5

¹⁷ RPROZ-O3; RPROZ-P3, RPROZ-P6, RPROZ-P7

The proposal does not increase the number of titles, does not introduce rural lifestyle subdivision, and does not create titles that are incapable of supporting farming activities.

All resulting lots are of a substantial size (approximately 5.9ha to over 36ha) and remain capable of supporting rural production.

In addition, the land will continue to be used for horticulture and pastoral farming. No new sensitive activities are introduced that would constrain existing or future primary production.

For these reasons, the proposal avoids fragmentation and reverse sensitivity effects and is consistent with RPROZ-P3, RPROZ-P6 and RPROZ-P7.

Rural character and amenity¹⁸

The RPZ anticipates a working rural environment characterised by large allotments, productive land uses, and typical rural effects.

The proposal maintains this character. As outlined in Sections 2 and 4.3 of this report, the land will remain in productive use, the titles are of a rural scale, and no new urban or lifestyle pattern of development is introduced.

The overall landscape and land use pattern remain unchanged.

The proposal therefore maintains rural character and amenity and is consistent with RPROZ-O4 and RPROZ-P4.

Natural hazards and servicing¹⁹

The provisions require that subdivision does not exacerbate natural hazards and that sites are capable of being serviced.

As addressed in Sections 3 and 4 of this report, the proposal does not involve earthworks or changes to drainage patterns, does not increase hazard risk, and

¹⁸ RPROZ-O4; RPROZ-P4, RPROZ-P5

¹⁹ RPROZ-O3; RPROZ-P5, RPROZ-P7

the large lot sizes enable development to occur outside identified flood-prone areas.

In terms of servicing, the proposed lots are capable of accommodating on-site infrastructure, including wastewater, stormwater management, and water supply. This is secured through the proposed consent notice framework (refer Section 4.6 of this report).

The proposal therefore meets the servicing and natural hazard expectations of RPROZ-O3, RPROZ-P5 and RPROZ-P7.

Overall conclusion

The proposal is consistent with the intent of the RPZ provisions.

It retains land for primary production, avoids fragmentation and loss of highly productive land, does not introduce reverse sensitivity effects, maintains rural character and amenity, and provides for appropriate servicing without increasing hazard risk.

Accordingly, the proposal is not contrary to, and is consistent with, the relevant objectives and policies of the RPZ.

5.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011 (NES-CS) applies to activities on land that has been used for a hazardous activity or industry listed on the Hazardous Activities and Industries List (HAIL), where those activities involve disturbance of soil or a change to a more sensitive land use.

The orchard use within proposed Lots 2 and 3 is an activity on the HAIL. However, the NES-CS is not triggered by the proposed subdivision. This is because it falls within the scope of Regulation 5(8)(c) of the NES-CS, which provides that the

standard does not apply where the land remains production land and the activity does not involve a change to a more sensitive land use.

In this case the land is currently production land, it will remain production land following subdivision, and no more sensitive land use is introduced as part of the proposal.

For completeness, a consent notice is proposed to be registered on Lots 2 and 3 advising that the land has been identified as potentially subject to the NES-CS, the subdivision has been undertaken on the basis that the land remains production land, and any future change in land use or development may require assessment under the NES-CS.

This approach ensures that future landowners are aware of their obligations, while recognising that no further assessment is required at the subdivision stage.

5.5 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 (NPS-HPL) seeks to protect highly productive land for use in land-based primary production, both now and for future generations (Objective 2.1).

Highly productive land is defined as land zoned RPZ that contains LUC Class 1, 2 or 3 soils. As identified in Section 2 of this report, parts of the subject land contain Class 3 soils and are therefore highly productive land for the purposes of the NPS-HPL.

Policy 7 directs that the subdivision of highly productive land is to be avoided, except as provided for within the NPS-HPL. In this case, the relevant pathway is Clause 3.8(1)(a), which enables subdivision where it can be demonstrated that the proposed lots will retain the overall productive capacity of the subject land over the long term.

Assessment against Clause 3.8(1)(a)

In this instance, the proposal will retain, and in practical terms maintain, the productive capacity of the land for the following reasons:

1. No fragmentation of highly productive soils

A key consideration is that the subdivision does not fragment areas of Class 3 soil. No new boundaries are introduced through areas of highly productive land. Instead, those areas remain contained within larger allotments.

This is a critical distinction when assessing productive capacity. The proposal does not divide highly productive land into smaller, less viable parcels or create land use patterns that would constrain its ongoing productive use. The physical integrity and usability of the highly productive soils are therefore maintained.

2. Continuation of existing productive land uses

The proposal is fundamentally a reconfiguration of existing titles and does not introduce a change in land use. The land will continue to be used for horticulture on Lots 2 and 3 and pastoral and rural production activities on Lots 1, 4, 5 and 6.

This continuity of use is important. The proposal does not convert highly productive land to non-productive purposes, nor does it introduce competing land use expectations that could constrain productive activities over time.

3. No increase in title fragmentation

No additional titles are created as part of the proposal. This distinguishes the application from typical subdivision scenarios that incrementally fragment the rural land resource.

By maintaining the existing number of titles, the proposal avoids introducing additional ownership fragmentation or increasing the potential for reverse sensitivity effects that can arise where rural production interfaces with non-rural activities.

4. Retention of large, viable production units

The allotments containing the highly productive land (particularly Lots 2 and 3) remain of a scale that supports ongoing commercial horticultural use. The proposal does not result in the creation of undersized or marginal production units. Rather, it maintains large, coherent land parcels capable of efficient management and long-term productive use.

Conclusion

For the reasons set out above, the proposal is consistent with Clause 3.8(1)(a) of the NPS-HPL. It retains the overall productive capacity of the subject land over the long term and avoids the fragmentation and land use change outcomes that Policy 7 seeks to manage.

Accordingly, the proposal is not contrary to, and is consistent with, the objectives and policies of the NPS-HPL.

5.6 National Policy Statement for Natural Hazards

The NPS-NH came into effect on 15 January 2025. The overarching objective of the document (Objective 2.1) is to manage natural hazard risk to people and property associated with subdivision, use, and development using a risk-based proportionate approach.

There are multiple building site options on all of the titles that are not subject to any of the natural hazards specified in Clause 1.3(1).²⁰

Given none of the natural hazards identified in Clause 1.3(1) apply to the building platforms or their accesses, the NPS-NH is not relevant to this application.

5.7 Part 2 assessment

The purpose of the Resource Management Act 1991 (RMA) is to promote the sustainable management of natural and physical resources (section 5).

The proposal achieves this purpose.

²⁰ Flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction, and tsunami.

The subdivision is a reconfiguration of existing titles within an established rural production unit and does not create additional titles. As such, it does not increase the scale or intensity of development beyond that already anticipated by the existing titles and the permitted baseline (refer Section 4.2).

The proposal maintains the life-supporting capacity of soils (section 5(2)(b)) by:

- Retaining the land in ongoing horticultural and pastoral production; and
- Avoiding fragmentation of Class 3 soils (highly productive land), which remain within larger allotments capable of continued productive use (refer Section 4.4).

The proposal also avoids, remedies or mitigates adverse effects on the environment (section 5(2)(c)). As set out in Section 4, the adverse effects on rural character, rural production, access, servicing, natural hazards, and contaminated land are all less than minor.

Sections 6 and 7 of the RMA relate to matters of national importance and other matters. The proposal does not adversely affect any identified areas of significant indigenous vegetation, outstanding natural features or landscapes, or other section 6 matters. There are no recorded archaeological sites on the property, and no identified heritage or ecological constraints that are affected by the proposal.

The proposal is also consistent with section 7 matters, including:

- The efficient use and development of natural and physical resources (section 7(b)), through the rationalisation of title boundaries to reflect actual land use; and
- The maintenance and enhancement of amenity values (section 7(c)), with rural character and amenity maintained (refer Section 4.3).

Section 8 requires the principles of the Treaty of Waitangi to be taken into account. There is no information to indicate that the proposal gives rise to any issues in this regard.

Overall, the proposal represents an efficient and appropriate use of rural land that maintains productive capacity and avoids adverse effects. It therefore promotes the sustainable management of natural and physical resources and is consistent with Part 2 of the RMA.

6. NOTIFICATION

The proposal does not give rise to any adverse effects on the environment that are more than minor, and there are no persons who are adversely affected.

The subdivision is a reconfiguration of four existing titles and does not create any additional titles. As such, it does not introduce additional development potential or intensification beyond that already anticipated by the existing titles and the permitted baseline.

The assessment in Section 4 concludes that:

- Effects on rural character and amenity are less than minor;
- Rural production is maintained, with no fragmentation of highly productive land;
- Access arrangements remain largely unchanged, with no increase in traffic generation;
- Servicing can be achieved on-site without adverse effects; and
- Natural hazards and contaminated land matters are appropriately managed.

The proposal does not introduce new sensitive activities or a pattern of rural lifestyle development that could give rise to reverse sensitivity effects. It maintains the existing rural production environment.

Given the nature and scale of the proposal, and the absence of more than minor adverse effects, there are no persons who are adversely affected by the proposal.

Accordingly, the application should be processed on a non-notified basis pursuant to sections 95A and 95B of the RMA.

7. CONCLUSION

This application seeks subdivision consent to reconfigure four existing titles at Srhoj Road, Waiharara. The proposal does not create any additional allotments and represents a rationalisation of the existing cadastral layout to better align with the current use of the land for horticultural and pastoral production.

The assessment of environmental effects demonstrates that the proposal will result in no more than minor adverse effects. The land will remain in productive use, rural character and amenity will be maintained, and the proposal does not give rise to fragmentation of highly productive land, reverse sensitivity effects, or natural hazard risk.

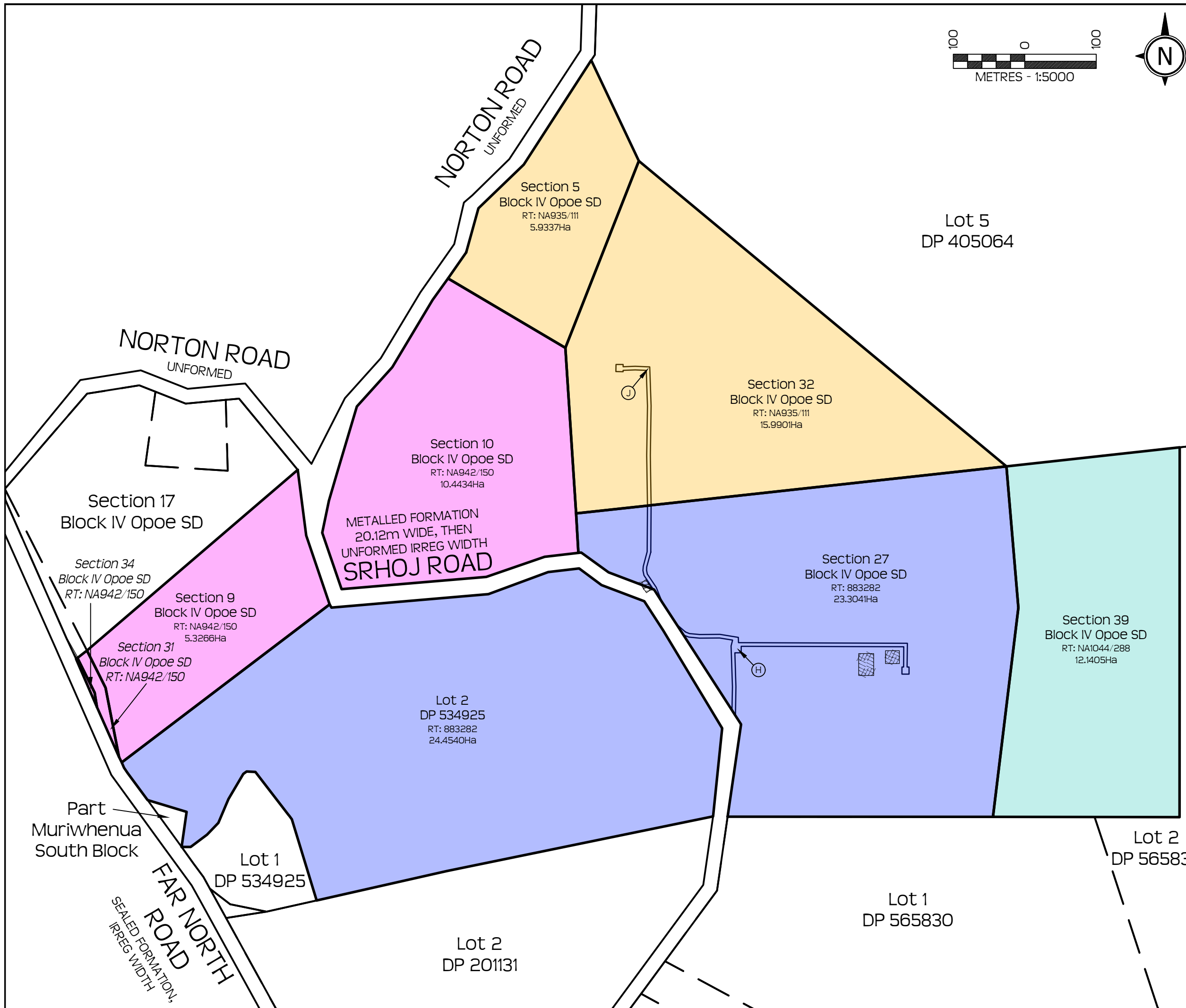
The proposed lots are suitable for their intended use and are capable of being appropriately serviced. Any site-specific matters can be addressed at the time of development through building consent processes and the proposed consent notice framework.

The proposal is consistent with the relevant provisions of the Operative and Proposed Far North District Plans, as well as relevant national direction, including the National Policy Statement for Highly Productive Land. It also promotes the sustainable management of natural and physical resources and is consistent with Part 2 of the RMA.

Overall, the proposal represents an appropriate and efficient use of rural land, and consent can be granted.

APPENDIX 1

SCHEME PLAN



- CAUTION:**
- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 - AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 - THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
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 - 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

CURRENT TITLE SITUATION

	NA935/111
	NA942/150
	NA1044/288
	883282

SEE SHEET 02/03 FOR EASEMENTS AND AMALGAMATION CONDITION & SEE SHEET 03/03 FOR HAZARDS

TOTAL TITLE AREA: 95.8627Ha
 LINZ CALC'D AREA: 96.4055Ha
 COMPRISED IN: RST NA935/111, NA942/150, NA1044/288 & 883282 (all)
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 10m FROM ALL BOUNDARIES.

B	30.03.26	ADDED AMALGAMATION CONDITION - BH/AA
A	24.03.26	FIRST ISSUE - BH/AA
REV	DATE	DESCRIPTION

REF. DATA:

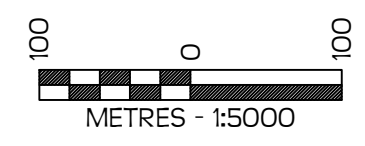
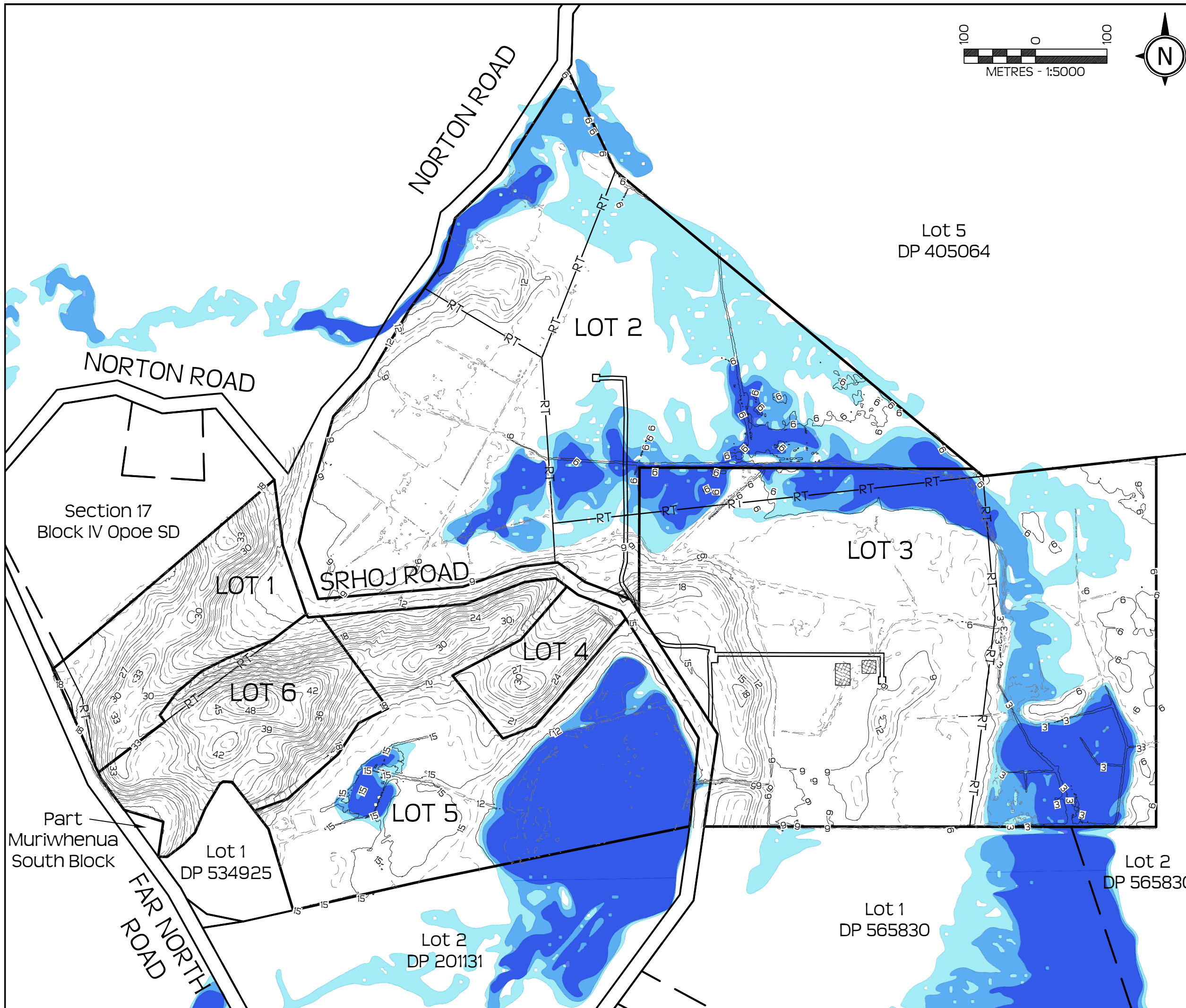


Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
 SANDSTONE ORCHARD LIMITED
 FAR NORTH ROAD & SRHOJ ROAD
 WAIHARARA, AWANUI

TITLE
CURRENT TITLE SITUATION
 PROPOSED SUBDIVISION OF
 LOT 2 DP 534925, SECTIONS
 5, 9, 10, 27, 31, 32, 34 & 39
 BLOCK IV OPOE SD

DATE	MARCH 2026	SCALE	1:5000 @A3
DRAWING REF.	S18446	SHEET	01 OF 03
REV	B		



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 10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- MAJOR CONTOURS AT 3.0m INTERVALS
- MINOR CONTOURS AT 1.0m INTERVALS
- 10 YEAR FLOOD HAZARD
- 50 YEAR FLOOD HAZARD
- 100 YEAR FLOOD HAZARD

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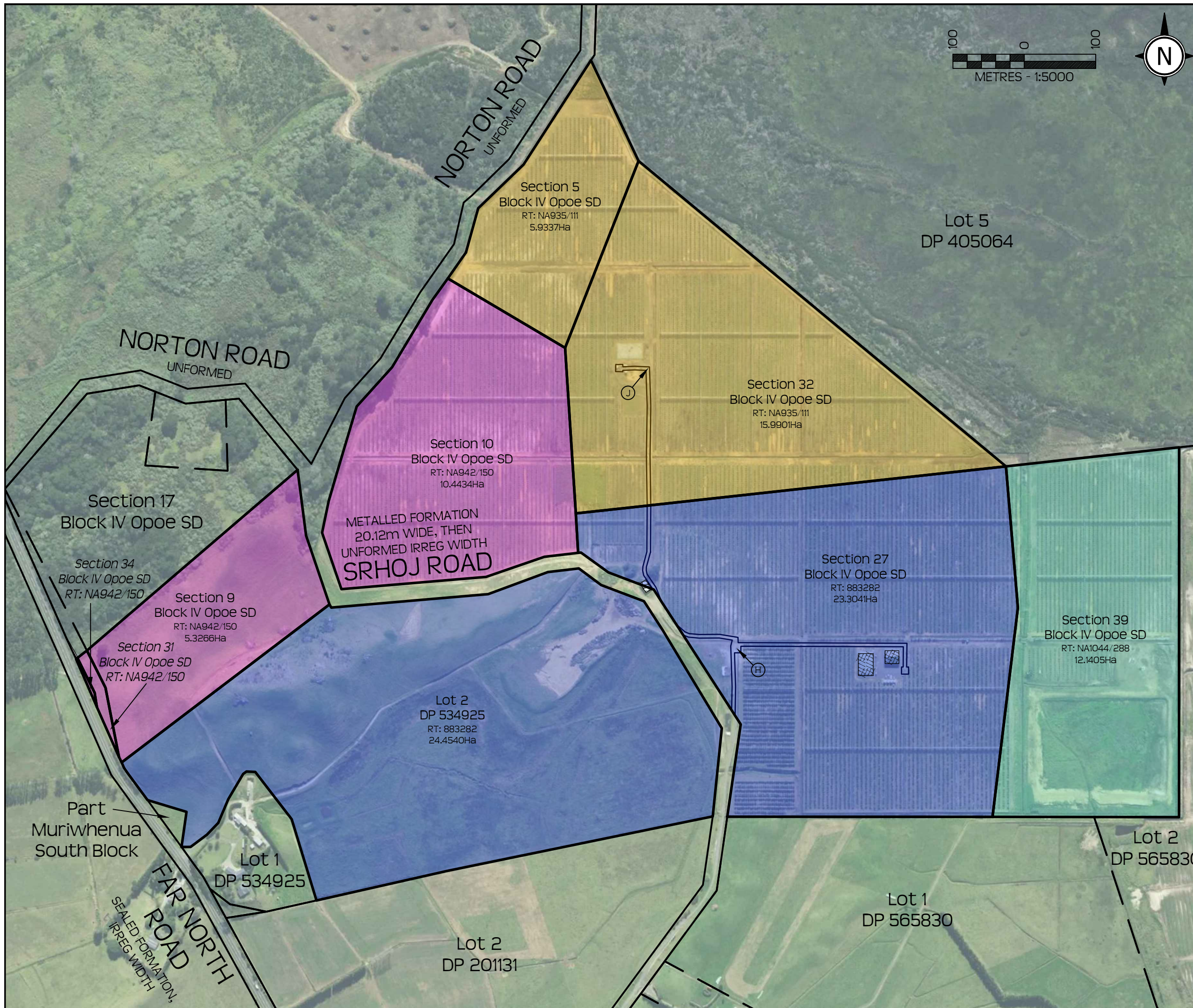
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CLIENT
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 WAIHARARA, AWANUI

TITLE
HAZARDS
 PROPOSED SUBDIVISION OF
 LOT 2 DP 534925, SECTIONS
 5, 9, 10, 27,31, 32, 34 & 39
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DATE	MARCH 2026	SCALE	1:5000 @A3
DRAWING REF.	S18446	SHEET	01 OF 03
REV	B		

PROPOSED CANCELLATION OF AMALGAMATION CONDITION
 PURSUANT TO SECTION 241 (3) OF THE RMA 1991 THE FAR NORTH DISTRICT COUNCIL RESOLVES TO CANCEL THE AMALGAMATION CONDITION REQUIRING LOT 2 DP 534925 & SECTION 27 BLOCK IV OPOE SD (RT: 883282) TO BE HELD IN THE SAME RECORD OF TIT

PROPOSED AMALGAMATION CONDITIONS
 1). PURSUANT TO SECTION 220 (1)(b)(i) OF THE RMA 1991 THAT LOT 6 HEREON BE TRANSFERRED TO THE OWNER OF LOT 1 DP 534925 (RT 883281) AND THAT ONE RECORD OF TITLE BE ISSUED TO INCLUDE BOTH PARCELS.
 2). PURSUANT TO SECTION 220 (1)(b)(ii) OF THE RMA 1991 THAT LOT 3 HEREON AND LOT 4 HEREON BE HELD IN THE SAME RECORD OF TITLE.



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 - BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

EXISTING EASEMENTS IN GROSS			
PURPOSE	SHOWN	BURDENED	GRANTEE / CREATED
RIGHT TO CONVEY ELECTRICITY & TELECOM	J	LOT 2 HEREON	TOP ENERGY LIMITED #13075241.4
	H	LOT 3 HEREON	

NOTE:
 RST NA942/150 & NA935/111 CONTAIN MULTIPLE PARCELS BUT ARE NOT SUBJECT TO AMALGAMATION CONDITION

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A	24.03.26	FIRST ISSUE - BH/AA

REF. DATA:



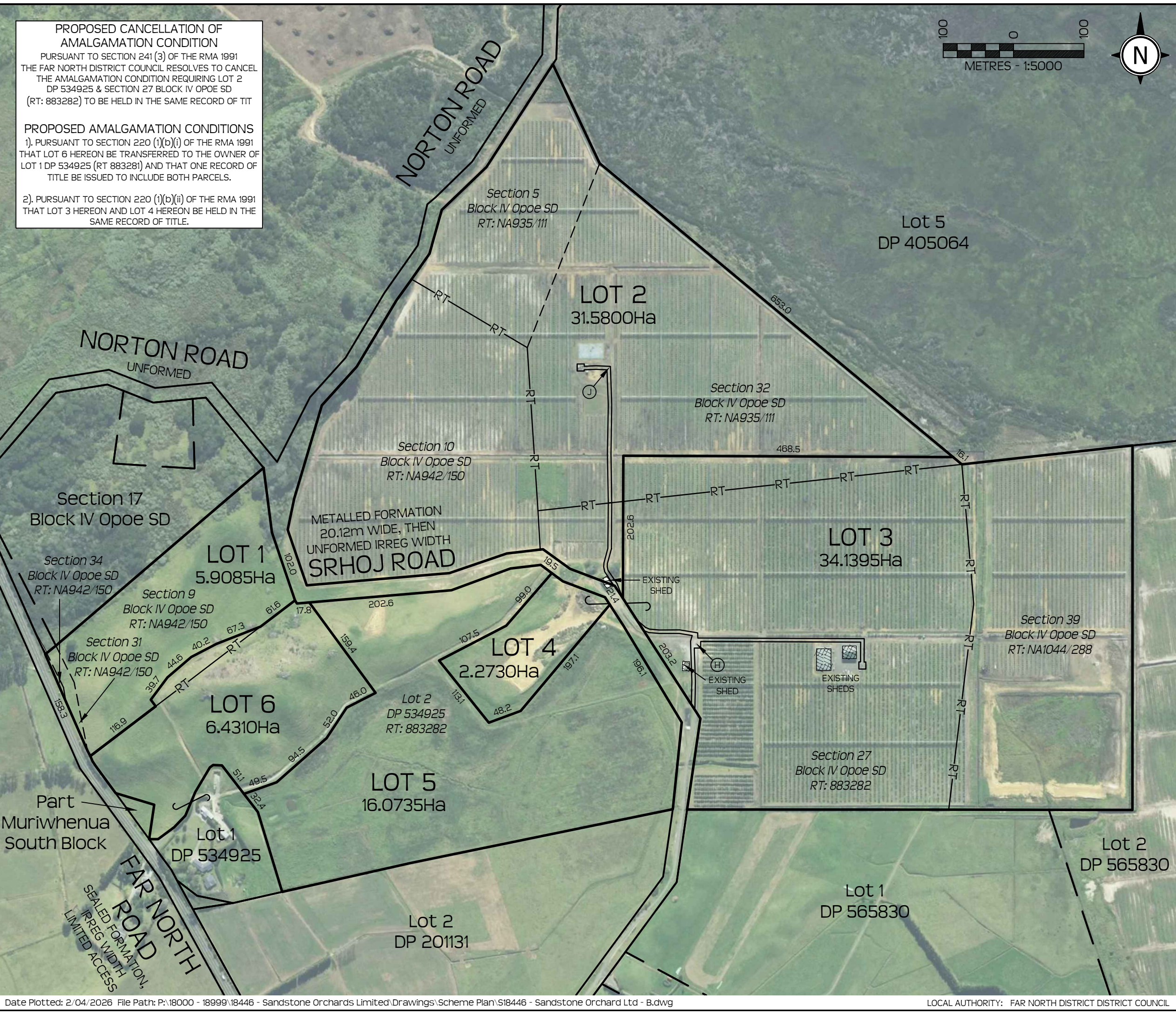
Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

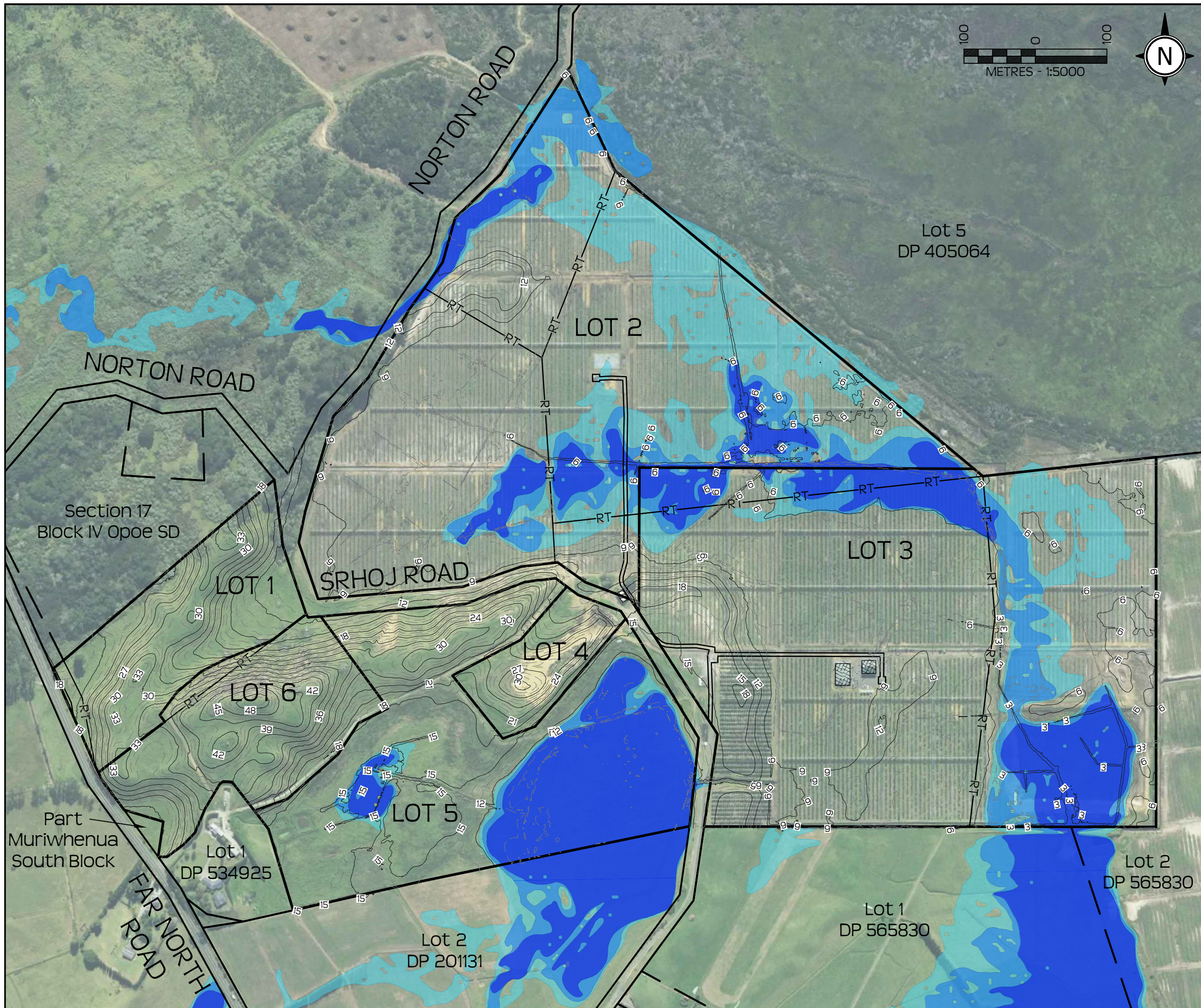
CLIENT
 SANDSTONE ORCHARD LIMITED
 FAR NORTH ROAD & SRHOJ ROAD
 WAIHARARA, AWANUI

TITLE
 PROPOSED SUBDIVISION OF
 LOT 2 DP 534925, SECTIONS
 5, 9, 10, 27, 31, 32, 34 & 39
 BLOCK IV OPOE SD

DATE	MARCH 2026	SCALE	1:5000 @A3
------	------------	-------	------------

DRAWING REF.	SHEET	REV
S18446	02 OF 03	B





- CAUTION:**
1. THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
 2. AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
 3. THE VENDOR & PURCHASER MUST CONTACT THE SURVEYOR IF SALE & PURCHASE AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
 4. SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
 5. DO NOT SCALE OFF DRAWINGS.
 6. THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (1999) LIMITED.
 7. DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND
 8. 03m 2023-2024 RURAL AERIAL SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
 9. 2018-2020 1m LIDAR CONTOUR INFORMATION CAPTURED BY RPS.
 10. BOUNDARIES SOURCED FROM GRIP. COORDINATES IN TERMS OF MOUNT EDEN 2000.

- MAJOR CONTOURS AT 3.0m INTERVALS
- MINOR CONTOURS AT 1.0m INTERVALS
- 10 YEAR FLOOD HAZARD
- 50 YEAR FLOOD HAZARD
- 100 YEAR FLOOD HAZARD

TOTAL TITLE AREA: 95.8627Ha
 LINZ CALC'D AREA: 96.4055Ha
 COMPRISED IN: RST NA935/111,
 NA942/150, NA1044/288 & 883282 (all)
 THIS SITE IS ZONED 'RURAL PRODUCTION' AND THE BUILDING SETBACKS ARE THUS: 10m FROM ALL BOUNDARIES.

B	30.03.26	ADDED AMALGAMATION CONDITION - BH/AA
A	24.03.26	FIRST ISSUE - BH/AA
REV	DATE	DESCRIPTION

reyburn & bryant
 Ph: 09 438 3563 PO Box 191, Whangarei 0140
 7 Selwyn Ave, Whangarei www.reyburnandbryant.co.nz

CLIENT
 SANDSTONE ORCHARD LIMITED
 FAR NORTH ROAD & SRHOJ ROAD
 WAIHARARA, AWANUI

TITLE
HAZARDS
 PROPOSED SUBDIVISION OF
 LOT 2 DP 534925, SECTIONS
 5, 9, 10, 27, 31, 32, 34 & 39
 BLOCK IV OPOE SD

DATE	MARCH 2026	SCALE	1:5000 @A3
DRAWING REF.	S18446	SHEET	03 OF 03
REV	B		

APPENDIX 2

TITLES AND ASSOCIATED MEMORIALS



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier NA942/150
Land Registration District North Auckland
Date Issued 07 June 1950

Prior References
NAPR193/391 WA 5219

Estate Fee Simple
Area 16.0402 hectares more or less
Legal Description Section 9-10, Section 31 and Section 34
Block IV Opoe Survey District

Registered Owners
Sandstone Orchards Limited Partnership

Interests
D534037.1 Notice pursuant to Section 94C Transit New Zealand Act 1989 declaring the adjoining State Highway IF to be a limited access road - 21.8.2000 at 2.05 pm
12138675.3 Mortgage to ANZ Bank New Zealand Limited - 1.6.2021 at 2:13 pm

Blk IV Upoe J. D.

16.0402 ha

RIC AREA IS

16.0402 ha.

Conversion Factors:

1 Acre = 4046m²

1 Perch = 25.29m²

1 Link - 2012 metres

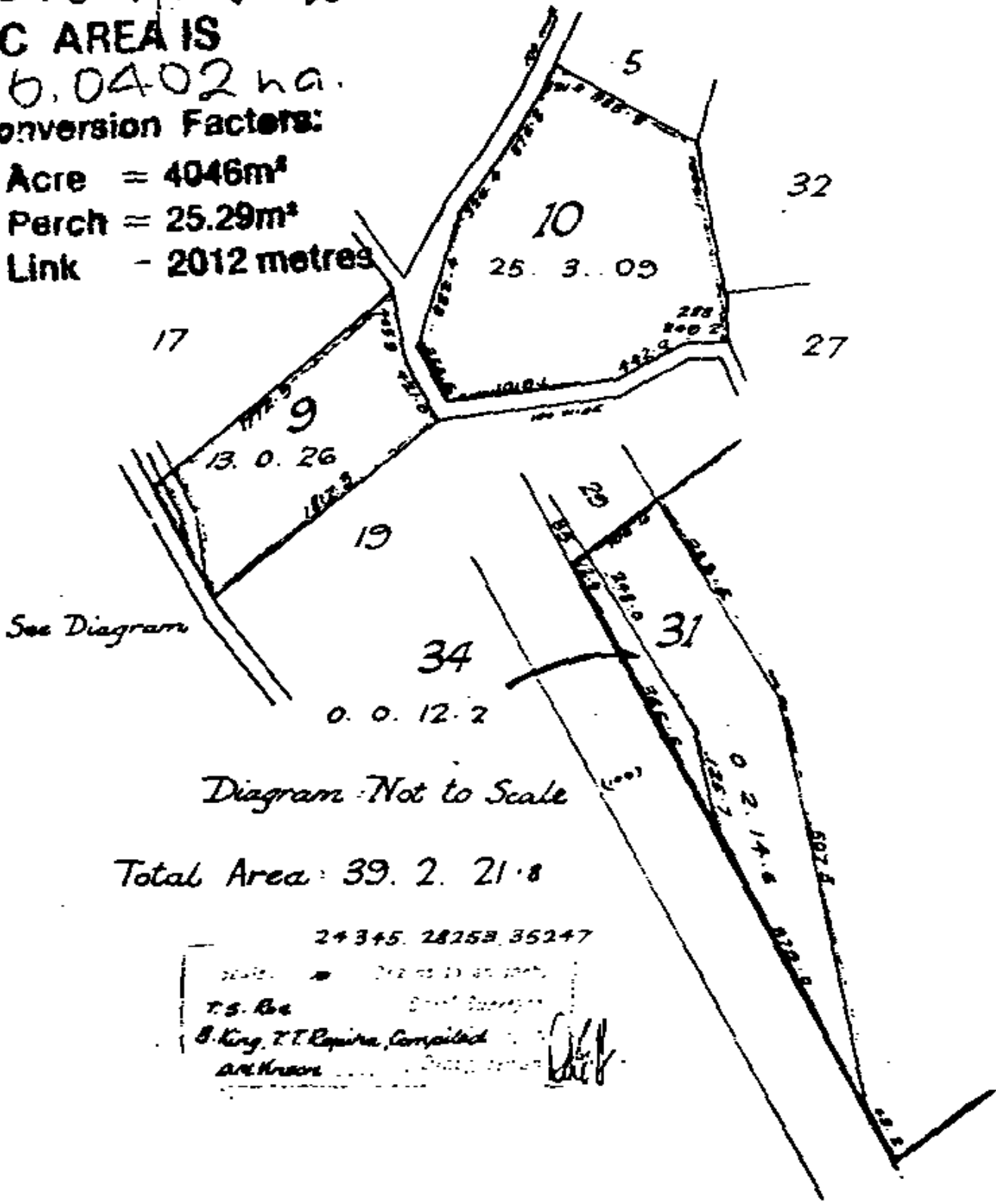


Diagram Not to Scale

Total Area: 39. 2. 21.8

24345. 28253. 35247

Scale: 1 inch = 200 feet
 T.S. Be Chief Surveyor
 B. King, T.T. Repina, Compiler
 A.C. Knowlton, State Engineer



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

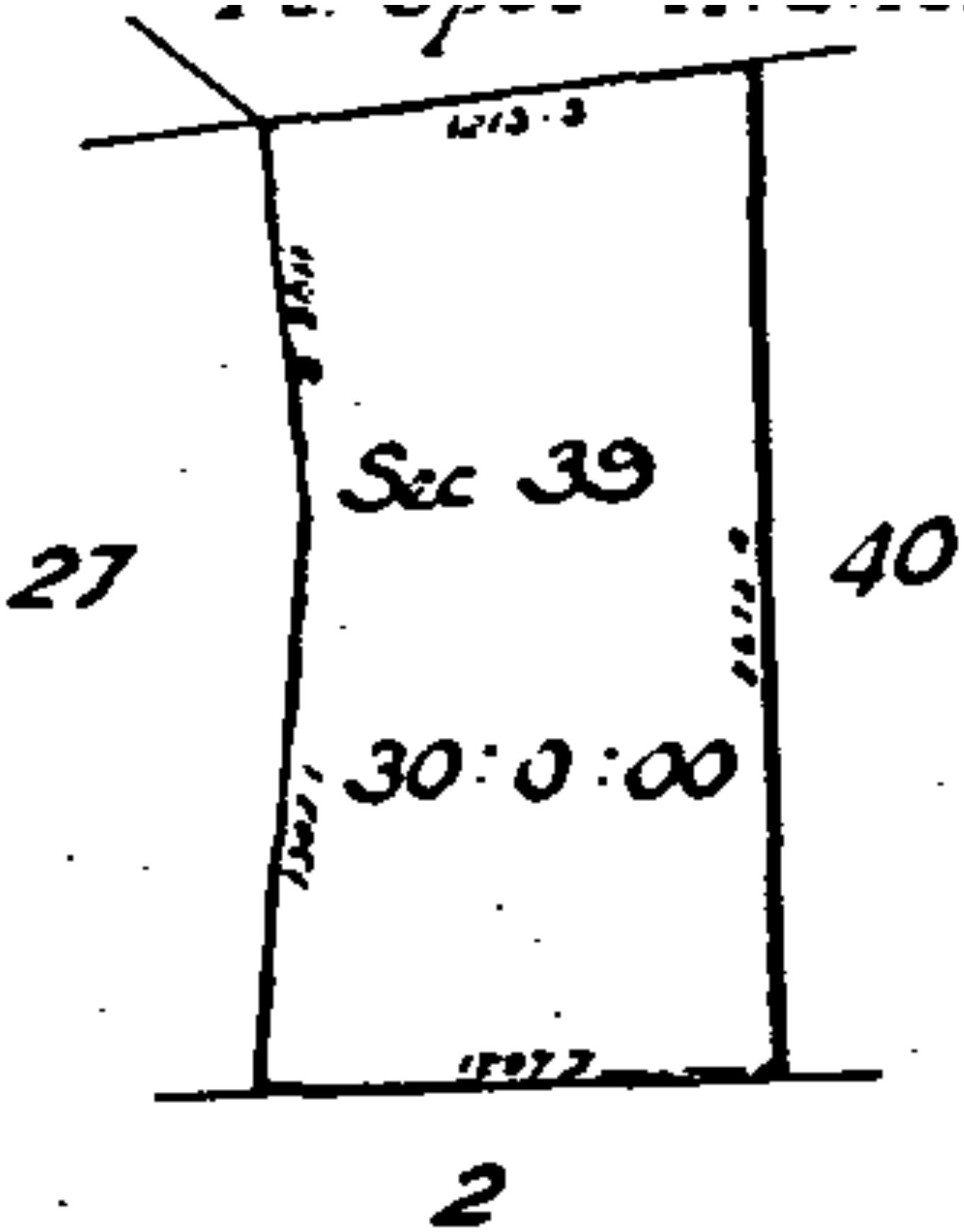
Identifier **NA1044/288**
Land Registration District **North Auckland**
Date Issued 28 January 1953

Prior References
NAPR205/11

Estate Fee Simple
Area 12.1406 hectares more or less
Legal Description Section 39 Block IV Opoe Survey District
Registered Owners
Sandstone Orchards Limited Partnership

Interests

Subject to Section 59 Land Act 1948
Subject to Section 8 Coal Mines Amendment Act 1950
12138675.3 Mortgage to ANZ Bank New Zealand Limited - 1.6.2021 at 2:13 pm





View Instrument Details

Instrument No	13075241.4
Status	Registered
Lodged By	Hickmott, Anna Louise
Date & Time Lodged	05 Nov 2024 13:48
Instrument Type	Easement Instrument

Affected Records of Title	Land District
883282	North Auckland
NA129B/401	North Auckland
NA54A/1423	North Auckland
NA935/111	North Auckland

Annexure Schedule Contains 7 Pages

Grantor Certifications

I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

I certify that the Mortgagee under Mortgage 12138675.3 has consented to this transaction and I hold that consent

Signature

Signed by Timothy Daniel Neill as Grantor Representative on 05/11/2024 08:50 AM

Grantee Certifications

I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument

I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument

I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply

I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Anna Louise Hickmott as Grantee Representative on 02/08/2024 09:07 AM

*** End of Report ***

Easement instrument to grant easement or *profit à prendre***Section 109, Land Transfer Act 2017****Grantor***Surname(s) must be underlined.*

**SANDSTONE ORCHARDS LIMITED PARTNERSHIP and
GEORGINA TUI COVICH and MATE NICHOLAS COVICH**

Grantee*Surname(s) must be underlined.*

TOP ENERGY LIMITED

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) ~~or *profit(s) à prendre*~~ set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A*Continue in additional Annexure Schedule if required.*

Purpose of Easement or <i>Profit à prendre</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to convey electricity and telecommunications	Marked "H" and "I" on Deposited Plan 598111	883282	In gross
Right to convey electricity and telecommunications	Marked "F" and "G" on Deposited Plan 598111	NA129B/401	In gross
Right to convey electricity and telecommunications	Marked "A", "B", "C", "D" and "E" on Deposited Plan 598111	NA54A/1423	In gross
Right to convey electricity and telecommunications	Marked "J" on Deposited Plan 598111	NA935/111	In gross

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.
Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~varied~~ ~~negated~~ ~~added to~~ or ~~substituted~~ by:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017.]~~

[The provisions set out in the Annexure Schedule B].

Annexure Schedule B

1 Interpretation

1.1 In this instrument, unless the context otherwise requires:

- (a) "Burdened Land" means the land owned by the Grantor and contained in Records of Title 883282, NA129B/401, NA54A/1423 and NA935/111;
- (b) "Easement Area" means that/those part(s) of the Burdened Land marked on Deposited Plan 598111 with the letter(s) "A", "B", "C", "D", "E", "F", "G", "H", "I" and "J";
- (c) "Emergency Situation" means a situation in which there is a probable danger to life or property or immediate risk to the continuity or safety of supply or distribution of electricity by means of the Transmission Line;
- (d) "Transmission Line" means wires or conductors of any other kind (including fibre optic or coaxial cables) used or intended to be used for the transmission of electricity and/or telecommunication signals, waves or impulses; and includes any insulators, foundations, casings, tubes, tunnels, minor fixtures and other items, equipment or material used or intended to be used for supporting, securing, enclosing, surrounding and protecting a Transmission Line; and also includes any fuses, fuse holders, pillars and transformers, automatic switches, voltage regulators, capacitors or other instruments, apparatus or devices used in association with a Transmission Line; and anything in replacement or substitution of any of the foregoing;
- (e) words importing the singular include the plural and vice versa; and
- (f) references to the Grantor and Grantee include their respective heirs, executors, transferees, administrators, successors and assigns.

2 Grant of electricity and telecommunications easements

2.1 The Grantor grants to the Grantee as an easement in gross forever, the rights to

- (a) convey, reticulate, convert, transform, transmit, supply and use electrical energy and power by means of the Transmission Line; and
- (b) convey, send, transmit and transport telecommunications signals, waves or impulses,

in each case without interruption or impediment and in any quantity.

2.2 The Grantee together with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials has the right to enter by a reasonable route and remain on the Easement Area and any other parts of the Burdened Land as are reasonably necessary to do the following work:

- (a) to survey, investigate, lay, install and construct the Transmission Line both over and under the Easement Area, and if under at a depth and along such line as shall be determined by the Grantee and if over at a height and along such line as similarly shall be determined by the Grantee;

- (b) to install such infrastructure both on or under the surface of the Burdened Land as is necessary for the effective transmission of electricity by means of the Transmission Line;
- (c) to inspect, operate, use, maintain, repair, renew, upgrade, replace, change the size of and remove the Transmission Line;
- (d) with the Grantee's agents, contractors and employees, and with any vehicles, equipment, tools and materials, to enter and remain for a reasonable time on the Burdened Land for any purposes necessary or convenient for the Grantee to exercise its rights under this instrument (including the right to extinguish fires);
- (e) to construct on the Burdened Land whatever roads, tracks, access ways, fences, gates and other works are deemed necessary by the Grantee for it to exercise its rights under this instrument and which are approved by the Grantor (that approval not to be unreasonably withheld);
- (f) to keep the Easement Area cleared of all buildings and structures by any means the Grantee considers necessary;
- (g) to keep the Easement Area cleared of all fences, trees and vegetation by any means the Grantee considers necessary where such:
 - (i) breach any statutory or regulatory requirements or standards or codes of practice or otherwise breach generally accepted engineering standards as to the minimum clearance of the Transmission Line;
 - (ii) impede the exercise by the Grantee of its rights under this instrument or the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
 - (iii) inhibit the safe and efficient operation of the Transmission Line;
- (h) to remove at the Grantor's expense trees and/or vegetation on the Burdened Land where the Grantee, acting reasonably considers such trees and/or vegetation pose a risk to the safe and efficient operation of the Transmission Line and the Grantor having been given notice of the requirement for the removal of such trees and/or vegetation pursuant to clause 5(b) of this instrument has failed to act.

2.3 The Grantee has no obligation to construct the Transmission Line or convey electricity through it or them continuously or at all.

3 **Access**

3.1 The Grantee must, before exercising the right of entry in clause 2.2:

- (a) make reasonable efforts to identify the Grantor or the occupier of the Burdened Land;
- (b) give reasonable notice, and in any event not less than three (3) days' notice, to the Grantor or the occupier of the Burdened Land of the Grantee's intention

to enter the Burdened Land, except in an Emergency Situation when prior notice is not required; and

(c) identify the work it intends to carry out.

3.2 The Grantee is not required by reason of the obligations in this clause to delay entry onto the Burdened Land from the date notified.

3.3 The Grantee, in entering the Land, will take reasonable steps to minimise inconvenience to the Grantor or the occupier of the Burdened Land, including;

(a) liaising with the Grantor to arrange a suitable time of entry to the Easement Area (unless this is not possible due to an Emergency Situation);

(b) leaving gates as they are found (if applicable);

(c) driving in a safe manner and taking reasonable steps not to disturb stock (if applicable); and

(d) Avoiding access through specific areas identified by the Grantor unless necessary to access the Transmission Line.

3.4 The Grantee is not required to delay entry onto the Burdened Land or to pay any money or other consideration to the Grantor or any occupier of the Burdened Land by reason of the obligations in this clause.

3.5 When accessing the Easement Area, the Grantee will:

(a) complete work on the Transmission Line as soon as possible with as little damage as possible to the Burdened Land and any vegetation, fences or improvements on it; and

(b) use all reasonable endeavours to repair and make good all damage caused to the Burdened Land by the Grantee or the Grantee's agents, contractors or employees as a result of carrying out work on the Transmission Line.

4 Ownership of the Transmission Line

The Transmission Line will at all times remain the property of the Grantee.

5 Grantor's Continued Use of Burdened Land

Subject to clause 6, the Grantor:

(a) may use the Burdened Land as long as that use does not unreasonably interfere with the enjoyment of the Grantee's rights and interests granted under this instrument; and

(b) (at its cost) shall remove trees and vegetation on the Burdened Land where the Grantee, acting reasonably gives notice to the Grantor that it considers it necessary that such trees and/or vegetation be removed to ensure that such trees and vegetation do not pose a risk to the safe and efficient operation of the Transmission Line.

6 Restrictions on Grantor's use

- 6.1 The Grantor must not do or allow any act which may interfere with or affect the rights of the Grantee or the operation of the Transmission Line and, in particular, the Grantor must not, without the consent in writing of the Grantee:
- (a) on the Easement Area, or within the minimum distance from the Transmission Line as advised by the Grantee (having regard to relevant statutory or regulatory requirements, codes of practice and engineering standards applicable from time to time), erect or permit the erection of any buildings or structures, or alter or allow to be altered the overall dimensions of existing buildings or structures, or carry out any earthworks or stockpiling, or construct or permit the construction of any roads, dams, walls or driveways, or allow any vegetation to become established, or remove or permit the removal of any soil, sand, gravel or other substance;
 - (b) disturb the soil of the easement area below the depth of 0.3 metres;
 - (c) cause or knowingly permit flooding of the Easement Area;
 - (d) burn off crops, trees or undergrowth on the Burdened Land;
 - (e) operate or permit to be operated any machinery or equipment (including any cranes, drilling-rigs, pile-drivers and excavators) in close proximity to any part of the Transmission Line;
 - (f) disturb any survey pegs or markers placed on the Easement Area by the Grantee;
 - (g) impede the Grantee's access over the Burdened Land or the Easement Area or to the Transmission Line; or
 - (h) do anything on or in the Burdened Land which would or could damage or endanger the Transmission Line.
- 6.2 The consent of the Grantee required under clause 6.1 will not be unreasonably withheld, but may be given subject to conditions.
- 6.3 The Grantee may consent in writing to certain existing buildings, structures, fences or vegetation on the Easement Area at the date of this instrument remaining there, but such consent may be given subject to conditions.
- 6.4 If any act or item consented to under clause 6.2 or 6.3 subsequently results in a situation described in clause 2.2 (g)(i) – (iii), then such consent may be revoked by the Grantee without compensation.
- 6.5 Before exercising any right under this instrument to remove a fence, the Grantee must consult with the Grantor so the Grantor is given a reasonable opportunity to co-ordinate the erection of any necessary replacement fence. The cost of any replacement fence will be borne by the Grantor and the Grantor must comply with any reasonable directions of the Grantee as to the height, materials used and location of such replacement fence.
- 6.6 If the Grantor does not meet its obligations under this instrument within such reasonable timeframe as is specified in a notice from the Grantee requiring it to do

so then the Grantee may meet those obligations (and enter the Burdened Land for that purpose) and the Grantor is liable to pay to the Grantee the costs incurred in doing so.

7 Indemnity against third party claims

- 7.1 Each party ("Indemnifying Party") must indemnify the other ("Indemnified Party") against all claims or demands from third parties for any loss, damage or liability in respect of, or arising out of, the use of the land by the Indemnifying Party (or any person authorised, whether expressly or impliedly by it) **EXCEPT THAT** it will not be liable to indemnify where such loss, damage or liability was caused by the Indemnified Party. Where the actions of the Indemnified Party contribute to that loss, damage or liability, the indemnity given by the Indemnifying Party will be reduced in proportion to that contribution.

8 Licence and assignment

- 8.1 The Grantee may assign, licence or otherwise grant any right of all or any part of any estate or interest conferred by this instrument.

9 Perpetual easement

- 9.1 There is no power implied in this instrument for the Grantor to terminate the easement for any breach of this instrument or for any other reason. It is the intention of the parties that the easement created by this instrument will continue forever unless surrendered.

10 Arbitration

- 10.1 If any dispute arises between the parties in relation to this instrument or any matter arising under it and that dispute cannot be resolved by negotiation, then the parties must submit the dispute to arbitration in accordance with the Arbitration Act 1996 (and its amendments or any statute which replaces it). The arbitration will be commenced by either party giving written notice to the other of the details of the dispute and that party's desire to have the matter referred to arbitration. The arbitration will be by one arbitrator, if the parties can agree upon one, and, if not, then by two arbitrators, one to be appointed by each party, and their umpire to be appointed by the arbitrators before they begin to consider the dispute. The award in the arbitration will be final and binding on the parties.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **NA935/111**
Land Registration District **North Auckland**
Date Issued 12 September 1949

Prior References
NAPR193/393 WA 5013

Estate Fee Simple
Area 21.9238 hectares more or less
Legal Description Section 5 and Section 32 Block IV Opoe
Survey District

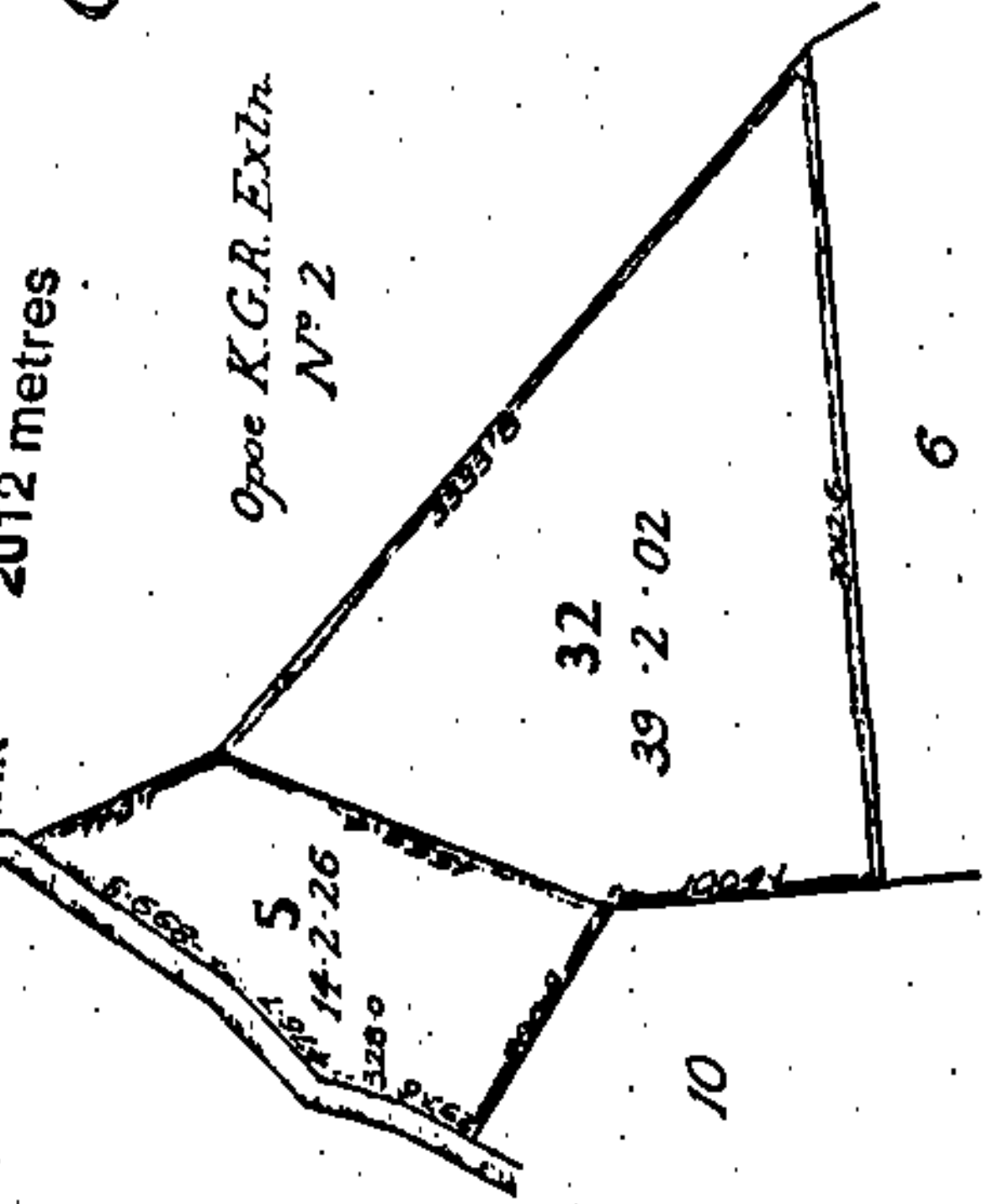
Registered Owners
Sandstone Orchards Limited Partnership

Interests
12138675.3 Mortgage to ANZ Bank New Zealand Limited - 1.6.2021 at 2:13 pm
Subject to a right (in gross) to convey electricity and telecommunications over part Section 32 Block IV Opoe SD marked J on DP 598111 in favour of Top Energy Limited created by Easement Instrument 13075241.4 - 5.11.2024 at 1:48 pm

2: 0

link = 25.29m²
link - 2012 metres

Opoe K.G.R. Exln.
N^o 2



View Instrument Details



Instrument No 11633096.4
Status Registered
Date & Time Lodged 17 December 2019 11:21
Lodged By Rowland, Julie Suzanne
Instrument Type Easement Instrument



Affected Records of Title	Land District
883281	North Auckland
883282	North Auckland

Annexure Schedule Contains 2 Pages.

Grantor Certifications

- I certify that I have the authority to act for the Grantor and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period
- I certify that the Mortgagee under Mortgage D614025.2 has consented to this transaction and I hold that consent

Signature

Signed by Vanessa Joy Crosby as Grantor Representative on 21/11/2019 12:34 PM

Grantee Certifications

- I certify that I have the authority to act for the Grantee and that the party has the legal capacity to authorise me to lodge this instrument
- I certify that I have taken reasonable steps to confirm the identity of the person who gave me authority to lodge this instrument
- I certify that any statutory provisions specified by the Registrar for this class of instrument have been complied with or do not apply
- I certify that I hold evidence showing the truth of the certifications I have given and will retain that evidence for the prescribed period

Signature

Signed by Vanessa Joy Crosby as Grantee Representative on 21/11/2019 12:34 PM

*** End of Report ***

Form 22

Easement instrument to grant easement or *profit à prendre*

(Section 109 Land Transfer Act 2017)

Grantor

MATE NICHOLAS COVICH and GEORGINA TUI COVICH

Grantee

MATE NICHOLAS COVICH and GEORGINA TUI COVICH

Grant of Easement or *Profit à prendre*

The Grantor being the registered owner of the burdened land set out in Schedule A **grants to the Grantee** (and, if so stated, in gross) the easement(s) or *profit(s) à prendre* set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s)

Schedule A
Schedule, if required

Continue in additional Annexure

Purpose of Easement, or <i>profit</i>	Shown (plan reference)	Burdened Land (Record of Title)	Benefited Land (Record of Title) or in gross
Right to Convey Electricity	A on DP 534925	Lot 1 DP 534925 (RT 883281)	Lot 2 DP 534925 (RT 883282)

Easements or profits à prendre rights and powers (including terms, covenants and conditions)

Delete phrases in [] and insert memorandum number as required; continue in additional Annexure Schedule, if required

Unless otherwise provided below, the rights and powers implied in specified classes of easement are those prescribed by the Land Transfer Regulations 2018 and/or Schedule 5 of the Property Law Act 2007

The implied rights and powers are hereby ~~[varied] [negatived] [added to] or [substituted]~~ by:

~~[Memorandum number _____, registered under section 209 of the Land Transfer Act 2017]~~

~~[the provisions set out in Annexure Schedule _____]~~

View Instrument Details



Instrument No 11633096.3
Status Registered
Date & Time Lodged 17 December 2019 11:21
Lodged By Rowland, Julie Suzanne
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Records of Title	Land District
883282	North Auckland

Annexure Schedule Contains 2 Pages.

Signature

Signed by Vanessa Joy Crosby as Territorial Authority Representative on 21/11/2019 12:33 PM

***** End of Report *****



Phone: 09 430 4200
Fax: 09 430 4200
Email: enquiries@fn.govt.nz
Website: www.fn.govt.nz

Te Kaunihera o Tai Tokerau Kī Te Raki

THE RESOURCE MANAGEMENT ACT 1991

SECTION 221: CONSENT NOTICE

REGARDING RC 2190348

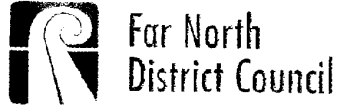
Being the Subdivision of Secs 5 9 10 16 19 27 30-32 34 39 Blk IV Opoe SD
North Auckland Registry

PURSUANT to Section 221 and for the purpose of Section 224 (c) (ii) of the Resource Management Act 1991, this Consent Notice is issued by the **FAR NORTH DISTRICT COUNCIL** to the effect that conditions described in the schedule below are to be complied with on a continuing basis by the subdividing owner and the subsequent owners after the deposit of the survey plan, and these are to be registered on the titles of the allotments specified below.

SCHEDULE

Lot 2 DP 534925

- (i) In conjunction with the construction of any building, the lot owner shall install a stormwater detention tank with a flow attenuated outlet. The system shall be designed such that the total stormwater discharged from the site, after development, is at no time greater than the pre development flow from the site for rainfall events up to a 10% AEP plus allowance for climate change of 2.50C. The details of the on site detention storage and flow attenuation shall be prepared by a suitably qualified Chartered Professional Engineer and submitted for approval with the Building Consent application.
- (ii) In conjunction with the construction of any building which includes a wastewater treatment & effluent disposal system. The applicant shall submit for Council's approval a TP58 Report prepared by a Chartered Professional Engineer or a FNDC approved TP58 Report Writer. The report shall identify a suitable method of wastewater treatment for the proposed development along with an identified effluent disposal area plus a 100% reserve disposal area. The report shall confirm that all of the treatment & disposal system can be fully contained within the lot boundary and comply with the Regional Water & Soil Plan Permitted Activity Standards.




Phone: 09 752 8600
Fax: 09 752 8600
Email: info@fn.govt.nz
Website: www.fn.govt.nz

Te Kaunhera o Tai Tokerau Ki Te Raki

- (iii) In conjunction with the construction of any dwelling, and in addition to a potable water supply, a water collection system with sufficient supply for fire fighting purposes is to be provided by way of tank or other approved means and to be positioned so that it is safely accessible for this purpose. These provisions will be in accordance with the New Zealand Fire Fighting Water Supply Code of Practice SNZ PAS 4509.
- (iv) The Council assumes no responsibility toward the formation and any future maintenance of the unmaintained section of legal road which provides access to proposed Lot 2; and until such time as the Council of its own volition decides to assume responsibility, the owner or occupier of the land will not request the Council to undertake such formation or maintenance.
- (v) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

Land within this lot has been identified as land that will potentially be covered by the above legislation. As it was production land at time of subdivision, and the subdivision did not remove the land from being production land, the developer did not address the regulations at time of subdivision. It will be the responsibility of the lot owner to address the regulations if proposing any development on the site. Activities covered by the regulations include the removing or replacing of a fuel storage system; soil sampling, disturbance and/or removal; subdivision; and changing the use of the land.

SIGNED:

 Mr Patrick John Killalea - Authorised Officer
By the FAR NORTH DISTRICT COUNCIL
Under delegated authority:
PRINCIPAL PLANNER – RESOURCE MANAGEMENT

DATED at KERIKERI this *9th* day of *August* 2019



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R. W. Muir
Registrar-General
of Land

Identifier **883282**
Land Registration District **North Auckland**
Date Issued 17 December 2019

Prior References
NA942/151

Estate Fee Simple
Area 45.7581 hectares more or less
Legal Description Lot 2 Deposited Plan 534925 and Section
27 Block IV Opoe Survey District

Registered Owners
Sandstone Orchards Limited Partnership

Interests

D534037.1 Notice pursuant to Section 94C Transit New Zealand Act 1989 declaring the adjoining State Highway 1F to be a limited access road - 21.8.2000 at 2.05 pm

Subject to Section 241(2) Resource Management Act 1991 (affects DP 534925)

11633096.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 17.12.2019 at 11:21 am

Appurtenant hereto is a right to convey electricity created by Easement Instrument 11633096.4 - 17.12.2019 at 11:21 am

The easements created by Easement Instrument 11633096.4 are subject to Section 243 (a) Resource Management Act 1991

12138675.3 Mortgage to ANZ Bank New Zealand Limited - 1.6.2021 at 2:13 pm

Subject to a right (in gross) to convey electricity and telecommunications over part Section 27 Block IV Opoe SD marked H and I on DP 598111 in favour of Top Energy Limited created by Easement Instrument 13075241.4 - 5.11.2024 at 1:48 pm

